

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 18, 2013 2:42 PM
To: Jackson, Mery
Cc: Moore, Denise
Subject: FW: FOI Request/Portsmouth, OH/Steve Canter

Hi Mery,

Here is the FOIA request from Mr. Steve Canter.

Mr. Canter is assisting the City's Mayor David Malone to advise on the Combined Sewer Overflow related and other issues. I am the case assignee and is working with him to respond to his request for information.

Thank you.

Sudhir Desai

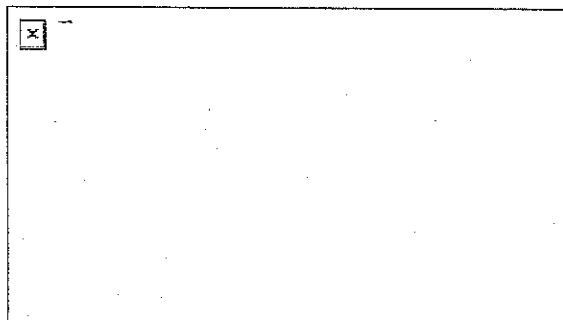
From: Steve Canter [<mailto:scanter@enveng.com>]
Sent: Monday, July 15, 2013 9:56 AM
To: Desai, Sudhir
Cc: Vantil, Barbara
Subject: FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth, US EPA, Ohio EPA and inter-office correspondence pertaining to the Portsmouth, Ohio matter for the period May 7, 2013 – present.

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,
Steve Canter



Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512

(513) 934-1515 (Fax)

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
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which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
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extension and resend the Email with the renamed attachment. After
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For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 18, 2013 2:44 PM
To: Prichard, Gary
Subject: FW: FOI Request/Portsmouth, OH/Steve Canter

FYI. Once the number is assigned to the request, I will include it in the response.

Thank you.

From: Desai, Sudhir
Sent: Thursday, July 18, 2013 2:42 PM
To: Jackson, Mery
Cc: Moore, Denise
Subject: FW: FOI Request/Portsmouth, OH/Steve Canter

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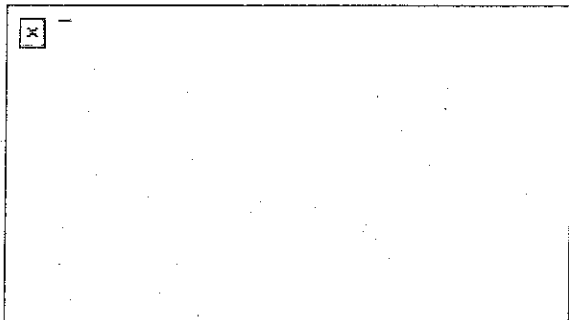
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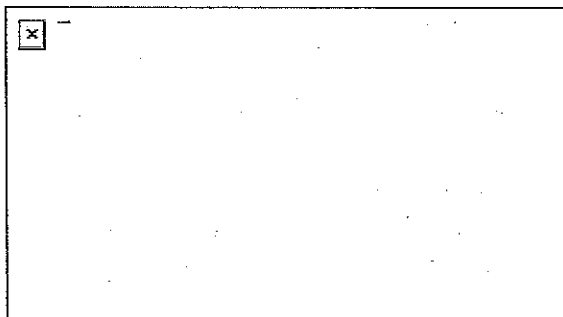
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Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 15, 2013 11:36 AM
To: Vantil, Barbara
Subject: RE: Portsmouth, OH, etc.

Thank you Barbara. I will double check on your request to share the notes. I thought I shared them with the team.

Sudhir

From: Vantil, Barbara
Sent: Monday, July 15, 2013 11:29 AM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH, etc.

Hi, Sudhir - I don't think I sent an email. But while I am, please go ahead and send the Hamilton Cty notes to the regulatory team. We can double-check them later. We also need to set up a meeting with the regulators for the first full week in August.

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Monday, July 15, 2013 11:16 AM
To: Vantil, Barbara
Subject: Portsmouth, OH, etc.

Hi Barbara,

I will start my work on this matter starting today.

Did you send the message for something you want me to do it today? It just dispaered from my view.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 15, 2013 11:16 AM
To: Vantil, Barbara
Subject: Portsmouth, OH, etc.

Hi Barbara,

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Did you send the message for something you want me to do it today? It just disppaered from my view.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 15, 2013 10:26 AM
To: Vantil, Barbara; Group R5Foia
Cc: Jackson, Mery; Moore, Denise; Fields, Tarsha
Subject: RE: FOI Request

Hi Barbara,

I can now access the email.

I will have all the information related to his request ready and then you can add your information later on when you return from your vacation. If you have the time today and want to share that information, I can prepare the final response. Have a safe and enjoyable trip.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Monday, July 15, 2013 9:58 AM
To: Group R5Foia
Cc: Desai, Sudhir; Jackson, Mery; Moore, Denise; Fields, Tarsha
Subject: FW: FOI Request

Please enter into FOIA database.

Note that I won't be back into the office until July 31st, so we can't finish our response until I'm back.

Thanks - Barbara

From: Steve Canter [<mailto:scanter@enveng.com>]
Sent: Monday, July 15, 2013 9:56 AM
To: Desai, Sudhir
Cc: Vantil, Barbara
Subject: FOI Request

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Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, July 12, 2013 11:07 AM
To: Vantil, Barbara; 'Foster, Scott'
Subject: FW: Portsmouth, OH conference call
Attachments: Grandview Downspouts-Press Release 6-13.doc

Hi Barbara and Scott,

I read Rick Duncan's press release. Some thing that popped up through my thinking.

I think it will be nice to know if Portsmouth can indicate what they will do once the citizen calls about the issue. Like we will investigage their concern and try to find the solution or help the person to solve the problem.

I do not know how he will address the issue of granfathered connections. A line or two will help. The City recognizes that some of the connections may have been in exsistance but we will work with you that is consistant with the previous Order issued by the Court earlier.

From: rduncan1@falcon1.net <rduncan1@falcon1.net>
Sent: Friday, July 12, 2013 10:07 AM
To: Desai, Sudhir; Vantil, Barbara; scott.foster@epa.state.oh.us;
Jennifer.Witte@epa.state.oh.us; DMalone@portsmouthoh.org; Kris.Ruggles@strand.com
Cc: Prichard, Gary; Jessica.DeMonte@squiresanders.com
Subject: Re: Portsmouth, OH conference call

Discussion Item

Downspout Disconnection

Draft Press Release (attached)

NOTE: I DRAFTED THIS UP AND SENT IT TO THE MAYOR FOR REVIEW, BUT I HAVE NOT RELEASED IT YET.

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 11, 2013 3:55 PM
To: Desai, Sudhir
Subject: portsmouth

Hi All,

Due to a special request from one of team member, I have changed the conference call time from 12 pm central time to 11 am central/12 pm eastern time. Thank you for your consideration in advance.

Here is the proposed agenda for the conference call on Friday, July 12, 2013.

1. Discussion about ACO changes (VanTil, Desai-15 min.)
2. Mayor Malone's Request for an extension of time request (Mayor-10 min.) and Duncan's concerns (Duncan-15 min.)
3. Munn's Run (Duncan- 15 min.)
4. Council Meeting (of July 8, 2013) feedback from Council members, etc. (Malone and Duncan- 15 min.)
5. Downspout Disconnection- grandfather clause judge's order, etc. (Duncan- 15 min.)

The call in number for the conference call is 877-226-9607, Conference code: 9826143648.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 11, 2013 11:42 AM
To: 'Barbara VanTil'; Prichard, Gary
Subject: Portsmouth, OH/record of telephone conversation

Hi Barbara and Gary,

Rick Duncan returned my call of this morning.

I asked him when he plans to have the legislation introduced to the Council. Rick brought the legislation at the Council Conference meeting on July 8, 2013. The first reading of the legislation will take place on July 22, 2013. The second and third readings of the legislation will take place on August 12, 2013 and August 26, 2013, respectively. Mayor can sign the legislation after August 26, 2013 if he chooses to do so.

He asked me that he has received negative comments from the Agency regarding work done by him. Mayor and Steve Stugill received that information from Steve Canter. I told him that we responded to his freedom of information request. I also told him that once the ACO is signed we will be looking for the documents responsive to the ACO. He asked me about Steve Stugill's request for information during the public meeting on or about 2/12/2013. I stated the information is not fully responsive to his request based on what he has submitted to us. Rick Duncan can be reached at 740/353-0241.

Thank you.

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Thank you.

Sudhir Desai

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 11, 2013 9:12 AM
To: 'Barbara VanTil'
Subject: FW: Portsmouth, OH

FYI Barbara.

From: Desai, Sudhir
Sent: Thursday, July 11, 2013 9:11 AM
To: RDuncan1@falcon1.net
Cc: Desai, Sudhir
Subject: Portsmouth, OH

Hi Rick,

I called you this am to talk to you about Portsmouth ACO related matter. I left the message with Melvin requesting you to call me at 312/886-6704.

I want to know the tentative dates when you will have the Council meetings where the ACO will go through the second and third readings, etc.

Thx.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 11, 2013 9:11 AM
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Cc: Desai, Sudhir
Subject: Portsmouth, OH

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Sudhir Desai
312/886-6704

Desai, Sudhir

Subject: Portsmouth, OH conference call
Location: R5WD-ConfCallLine-A/Conference-Call-Line/R5-WATER; R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor

Start: Fri 7/12/2013 11:00 AM
End: Fri 7/12/2013 12:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Desai, Sudhir
Required Attendees: Vantil, Barbara; scott.foster@epa.state.oh.us; Jennifer.Witte@epa.state.oh.us; DMalone@portsmouthoh.org; RDuncan1@falcon1.net; Kris.Ruggles@strand.com
Optional Attendees: Prichard, Gary; Jessica.DeMonte@squiresanders.com
Resources: R5WD-ConfCallLine-A/Conference-Call-Line/R5-WATER; R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor

Hi All,

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The call in number for the conference call is 877-226-9607, Conference code: 9826143648.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 2:41 PM
To: scott.foster@epa.state.oh.us

Thank you for sharing the articles.

Interesting.

11 am central time/12 pm is fine for the call on Friday? Pl. let me know asap.

sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 2:39 PM
To: Strouse, Erin; Vantil, Barbara; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Thank you for sharing the article. Good publicity on the issues.

Sudhir

From: Strouse, Erin [Erin.Strouse@epa.state.oh.us]
Sent: Wednesday, July 10, 2013 2:20 PM
To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Another article

Sturgill says sewer rates will go up substantially

07.10.13 - 01:00 am

Frank Lewis

PDT Staff Writer

Portsmouth City Council under no uncertain terms made it plain Monday night that the citizens of Portsmouth are going to pay higher and higher sewer rates in order for the city to pay for the Order on Consent, which will cost from \$5 million to \$6 million.

"Most of the money is going to come from the people in this community," President of City Council Steve Sturgill said. "There will be a substantial increase in sewer rates over the course of the next several years. Basically what we're doing with this Consent Agenda is agreeing to the terms that the EPA is putting before us. And basically that they are telling us that we're going to have to do is develop a budget so the Sewer Department can go and do all of the things that they are requiring us to do by this Consent Order."

Sturgill said the plan negotiated by the city and approved by the EPA is significant.

"But again, unfortunately as we move forward, something that I have talked about in Council for at least a year – people need to get ready. The services that this city has provided them over the last 25 years are going to continually go up," Sturgill said. "And this one is going to be a major increase, when, in fact, it is fully implemented."

Sturgill said once the city passes the order, things will change drastically.

"There will no longer be a time when Mr. (Wastewater Director Rick) Duncan would come in here to a budget meeting and ask for \$50,000 to do so work and we turn him down. That's not the way it's going to be anymore."

Duncan laid out the Order on Consent which is to deal with the replacement of the city's Combined Sewer Overflows to the Daily Times last week.

The Order on Consent agreement is the same draft order that the city and the EPA presented to the citizens of Portsmouth at a public hearing in February at Shawnee State University. The only changes between then and now are the 30-day comment period extension requested by Sturgill at that meeting, and the dates for the implementation, which have not been finalized. Duncan said a proposal pertaining to those dates has been presented to the EPA and an answer is expected before the next City Council meeting. Duncan said the signing, if on schedule, should be in September.

The document deals with the fact that the city has several Combined Sewer Overflows (CSO), which means storm water and sanitary sewer discharge both into one system and Sanitary Sewer Overflows (SSO), the latter which is illegal.

Page 2 of 2

"The EPA is telling us to spend this money to fix these problems," Sturgill said. "Right now we're dealing with \$6 million. And one of the things I hope to clear up between now and the time I leave Council is this comparison of this \$70 million. I'm not sure we're still

comparing apples to apples. I think we've still got a little bit of, 'well, this is what they said it was going to cost, and I've reduced the cost.' I'm just not sure that we're being completely forthright about what this is going to cost. That's not a slight at anybody. Mr. Duncan for the most part has done all of this work by himself. It has put him in a bad situation. Either he is being asked to produce documents which he cannot produce, for the most part because he doesn't have anybody to do that."

The (Long Term Control) plan was originally submitted by former Portsmouth Mayor Jane Murray at a price of \$70 million. This negotiated project replaces the original plan.

"The Consent Order says that we will meet these obligations," Sturgill said. "And what I'm looking for, as just one Council representative, is how we're going to pay for meeting just the very basics within that Consent Order. There's a lot of design, a lot of planning that has to be done. Mr. Duncan can't do it by himself."

Sturgill said the Wastewater Department has been in deficit, but is now returning to the black, thanks to a three percent increase in sewer rates this year.

"I know there has been a lot of increases over the last two years, and they are necessary increases," Second Ward Councilman Rich Saddler said. "Compared to a lot of other cities of our size or even smaller, we're paying a lot less than some of these other cities for our services, because we're trying to maintain something larger than we should have. Nobody wants to pay more taxes. Nobody wants to pay more fees, or anything like that. But it's something that we have to do. And if we have to increase sewage rates, or put a surcharge on some of the businesses, the churches, and these non-profits that do not pay into our system right now, I feel that they need to pay. Anybody that has not paid, needs to pay at this time."

Meanwhile, Duncan talked with the Daily Times about that fee.

"The ones who are tax exempt, universities, businesses with tax abatements, the county buildings - the (Scioto) County Jail, it really adds up to quite a bit," Duncan said. "And we're looking at a storm water fee that would help pay for some of this. We don't want to double-tax people who are already paying Flood Defense. We don't want to put on them too, so we're looking at exempting those that are already paying a Flood Defense fee, so they don't have to pay it twice. If you pay property taxes already, we would just exempt you from having to pay the Storm water fee. So, if you don't pay property taxes, then you end up paying your fair share in storm water fees."

Frank Lewis may be reached at 740-353-3101, ext. 252, or at flewis@civitasmedia.com. For breaking news, follow Frank on Twitter @FrankLewisPDT.

@ portsmouth

From: Strouse, Erin

Sent: Wednesday, July 10, 2013 3:19 PM

To: 'Vantil, Barbara'; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

Subject: RE: friend recommendation from Portsmouth Daily Times

Council: Finance Sewer project or get sued

07.10.13 - 01:00 am

Frank Lewis

PDT Staff Writer

A new face was present at Monday night's Portsmouth City Council meeting, Jessica DeMonte of the Squire Sanders law firm. And when City Council went into executive session for an hour and 20 minutes, she went with them.

"She's our legal counsel in our dealings with the EPA," Portsmouth Wastewater Director Rick Duncan said. "With their (EPA) lawyers, we have to have an experienced lawyer on our side."

It was evident among the discussion on the issue of the Order on Consent with the Environmental Protection Agency, that if the city fails to pass the ordinance, putting the CSO replacement project into motion, they can expect to be sued by the EPA.

The order came up during Monday night's Mayor's Conference Agenda to be considered for passage after three readings on the regular Council agenda.

"The overarching theme that I want to impress upon you is that this was negotiated and is in force by us, and it is not something that if we did not pass it, it might entail litigation with the Ohio EPA, the U.S. EPA, the Department of Justice, and the Attorney General," Portsmouth City Solicitor John Haas said. "And in that point and time, we would lose a lot of the input that we have been able to negotiate with the EPA. To me, from where we were a year and a half ago to where we are now is a much better deal for us, and I would ask Council to authorize Alternative No. 1."

Thoughts on initiating more movement on the EPA's requests was echoed.

"The mayor has mentioned that we have been behind the eight ball for some time, and this has been going on since everyone, save former mayor (Jim) Kalb has been on Council, and the mayor has been around for almost the entire time this has been going on," First Ward Councilman Kevin W. Johnson said. "I think it has been communicated to us that in one way or another we have to fish or cut bait. The alternative for us, if we do not do this, is that the Ohio EPA, the U.S. EPA would turn to the Attorney General's office and sue us. And you might also want to know that they have been awfully successful in the past with other cities that have failed to develop a plan. We cannot afford that."

Second Ward Councilman Rich Saddler referred to the Lawson Run Sewer system, which is at the center of the project, as the "backbone of our services."

"If the backbone breaks down the entire infrastructure breaks down," Saddler said. "So we need to, as citizens, step up. I hate to ask people to whip out their billfolds again, but that's the only option. And if we don't take care of this, it's going to cost us a lot more money in the long run than what it would be if we just bite the bullet now. If we don't do this, it could be the end of Portsmouth."

Page 2 of 2

Third Ward Councilman Kevin E. Johnson visited the Grandview area when it was flooded over this past weekend and took photos of the damage.

"What can't be lost in the shuffle is the residents," Johnson said. "We have people that live right here in our city, that when it rains, they have to go to their basement. They have to break all their plans, change their plans and go to their basements and start cleaning up water. That's no way to live."

One of the people who has repeatedly been affected by floods is Grandview Avenue resident Larry Essman, who sent a letter to Council, "I feel the sewer problems are worsening as a result of the downspout removal program that was implemented. As I mentioned before the program was started, the proximity of the homes and the topography of the land would cause seepage in basements unless the removal was carefully monitored by the city to ensure that it was properly done without impacting a neighbor's property. This was not done and I have experience seepage multiple times during the last two weeks of rain."

Essman went on to say, "We have had a multitude of consultants provide plans for remediation of this problem. Over \$1,000,000 of taxpayer money has been spent on these plans and reports and yet nothing has been accomplished. In considering these plans, Council should seek approval of the EPA since they seem to have the staff most knowledgeable in this area."

Council chose Alternative No. 1 and will bring the issue up for first reading at the next City Council meeting, and Fifth Ward Councilman Gene Meadows said it is important that impacted citizens attend the meetings and speak up.

Shirttail

Frank Lewis may be reached at 740-353-3101,

From: Vantil, Barbara [mailto:vantil.barbara@epa.gov]

Sent: Tuesday, July 09, 2013 12:42 PM

To: Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

Subject: RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

From: Strouse, Erin [mailto:Erin.Strouse@epa.state.oh.us]

Sent: Tuesday, July 09, 2013 11:08 AM

To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

Subject: RE: friend recommendation from Portsmouth Daily Times

Unfortunately, the reporter did not call to get any input from us on this article, and it's difficult to ask for a correction since the incorrect statement was within a quote attributed to Mr. Duncan.

If the city is providing incorrect information to the people, perhaps the city is unaware of the information Sudhir shared? Perhaps the best route is to communicate these things with Mr. Duncan during your next conversation with him. Does anyone plan to speak with him anytime soon?

Erin

From: Vantil, Barbara [mailto:vantil.barbara@epa.gov]

Sent: Monday, July 08, 2013 5:19 PM

To: Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin

Subject: RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara

From: Desai, Sudhir

Sent: Monday, July 08, 2013 3:26 PM

To: Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara

Subject: RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5 Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai
312/886-6704

From: Foster, Scott [mailto:scott.foster@epa.state.oh.us]
Sent: Monday, July 08, 2013 11:52 AM
To: Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara
Subject: friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Protection Agency

Ohio Environmental

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 1:57 PM
To: scott.foster@epa.state.oh.us
Cc: Vantil, Barbara
Subject: RE: Grandview flooding

Hi Scott,

Please confirm your availability asap.

Thx.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 11:15 AM
To: scott.foster@epa.state.oh.us
Cc: Vantil, Barbara
Subject: FW: Grandview flooding

Hi Scott,

I called you just a few min. ago to otuch base with you. Sorry, I missed you.

Is 11 am central time/12 pm eastern time convenient to you? Please let me know asap. Once you confirm the time, I will resend invite and see if others are available for the conference call.

You can reach me today at 847/949-0797.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, July 10, 2013 10:44 AM
To: Desai, Sudhir
Subject: FW: Grandview flooding

Scott won't be able to make 12 our time on Friday. We need to go earlier if possible.

From: Foster, Scott [mailto:scott.foster@epa.state.oh.us]
Sent: Tuesday, July 09, 2013 3:15 PM
To: Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
Subject: RE: Grandview flooding

I'm available Friday till 12. I can adjust my schedule if need be.

From: Vantil, Barbara [mailto:vantil.barbara@epa.gov]
Sent: Tuesday, July 09, 2013 3:51 PM

To: Vantil, Barbara; rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E.
(Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John;
Perdomo, Susan; Prichard, Gary
Subject: RE: Grandview flooding

Hi, all - please see attached comments to the City's proposed changes to the dates in the AOC. EPA and Ohio EPA have a few comments/questions relating to the language proposed for the 25th & Coles and Lawson Run projects. If possible, I'd like to schedule a call as soon as possible to discuss these. This appears to be the last items we need to finalize.

I'm out for the last couple of weeks in July. Would it be possible to have a call this Friday, July 12th?

Thanks, all. We're getting there! I'm glad to here things went well yesterday.

Barbara

From: Vantil, Barbara
Sent: Tuesday, July 09, 2013 9:24 AM
To: rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; 'David Malone'
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E.
(Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John;
Susan Perdomo; Gary Prichard
Subject: FW: Grandview flooding

Hi, Rick - I wasn't sure if anyone had brought the comments below to your attention. Folks seem unaware that, rather than having storm and/or wastewater accumulate in their basements, the disconnected downspouts will create run-off in the streets. (Your engineering department will need to deal with that at some point.) As you continue to work with citizens on issues relating to downspouts, please consider observations such as Mr. Essman's as you communicate with the community.

I'll be sending comments on the injunctive relief ports of the order today. We did have a question regarding the smoke testing you've proposed. What is the timing on that? Also, has Mr. Haas gotten any further information on the past court case regarding "grandfathering" of homes?

Thanks - Barbara

From: Jane Murray [mailto:mjanemurray@yahoo.com]
Sent: Monday, July 01, 2013 12:23 PM
To: Desai, Sudhir
Cc: Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell;
scott.foster@epa.state.oh.us<mailto:scott.foster@epa.state.oh.us>
Subject: Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

M. Jane Murray

----- Forwarded Message -----

From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel
<noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin
<leedomastin@yahoo.com<mailto:leedomastin@yahoo.com>>; Jane Murray
<mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>
Sent: Monday, July 1, 2013 10:58 AM
Subject: FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

-----Original Message-----

From: L Essman [mailto:lessman@roadrunner.com<mailto:lessman@roadrunner.com>]
Sent: Monday, July 01, 2013 10:56 AM
To: Steve Sturgill
Cc: councilmembermeadows@gmail.com<mailto:councilmembermeadows@gmail.com>;
kwwj@roadrunner.com<mailto:kwwj@roadrunner.com>;
kevine1954@hotmail.com<mailto:kevine1954@hotmail.com>;
rich@saddler.me<mailto:rich@saddler.me>
Subject: RE: Grandview flooding

Steve et al,

I had never seen flooding on Grandview to the extent it occurred on Saturday. We could not even leave the house to go to church. The whole street virtually turned into a river. What was really different was water continued to come up out of the 'drip sewers' and run down the street even twenty minutes or more after the rain had stopped. Howard Baughman's brother in law told Loretta that he had never seen that happen before and I had never seen it happen either.

It appears to me the situation is deteriorating in this neighborhood. We need action not more studies of the problem. The City has been studying the problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

In stead of paying for more studies it might be cheaper to buy out the property owners in the 2400 block of Grandview and turn the block into a parking lot for the hospital of some other use.

Again, I thank all of you for your concern about this problem. I hope that we can begin to see some real progress.

LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:sssturgill@zoomnet.net<mailto:sssturgill@zoomnet.net>]
Sent: Monday, July 01, 2013 8:04 AM

To: L Essman
Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles.
Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <lessman@roadrunner.com<mailto:lessman@roadrunner.com>> wrote:

> Gene,
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> This last rain completely flooded Grandview. Water was shooting up
> out of all storm sewer and the street was completely flooded flooded.
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> Water is still running down the east side of the street from the
> intersection of 25th Street. There is no water entering the drip sewer.
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> neighbor and I think the water is seeping up through the blacktop.
> If
you
> are close by you may want to come by and look at this.
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> So far I am only getting the seepage caused by Rick's downspout
> removal program.
>
> Larry
>

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 11:16 AM
To: scott.foster@epa.state.oh.us
Cc: Vantil, Barbara
Subject: FW: Grandview flooding

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Thank you.

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To: Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
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Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Susan Perdomo; Gary Prichard
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Sent: Monday, July 01, 2013 12:23 PM
To: Desai, Sudhir
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Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

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From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel <noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin <leedomastin@yahoo.com<mailto:leedomastin@yahoo.com>>; Jane Murray <mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>
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Jane,

Could you please forward this to Sudir. I think he needs to know about this.

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kevine1954@hotmail.com<mailto:kevine1954@hotmail.com>;
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Subject: Re: Grandview flooding

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> Water is still running down the east side of the street from the
> intersection of 25th Street. There is no water entering the drip sewer.
My
> neighbor and I think the water is seeping up through the blacktop.
> If
you
> are close by you may want to come by and look at this.
>
> So far I am only getting the seepage caused by Rick's downspout
> removal program.
>
> Larry
>

Desai, Sudhir

Subject: Portsmouth, OH conference call
Location: chicago
Start: Fri 7/12/2013 12:00 PM
End: Fri 7/12/2013 1:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Desai, Sudhir
Required Attendees: Vantil, Barbara; scott.foster@epa.state.oh.us; Jennifer.Witte@epa.state.oh.us; DMalone@portsmouthoh.org; RDuncan1@falcon1.net; Kris.Ruggles@strand.com
Optional Attendees: Prichard, Gary; Jessica.DeMonte@squiresanders.com

Hi All,

Here is the proposed agenda for the conference call on Friday, July 12, 2013.

1. Discussion about ACO changes (VanTil, Desai-15 min.)
2. Mayor Malone's Request for an extension of time request (Mayor-10 min.) and Duncan's concerns (Duncan-15 min.)
3. Munn's Run (Duncan- 15 min.)
4. Council Meeting (of July 8, 2013) feedback from Council members, etc. (Malone and Duncan- 15 min.)
5. Downspout Disconnection- grand father clause judge's order, etc. (Duncan- 15 min.)

I have trouble in accessing the call in number reservation system. As soon as I can get an access, I will share the call in number with you all .

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 8:30 AM
To: Vantil, Barbara
Subject: FW: Portsmouth ACO Conference call

My computer is acting funny this am.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 8:27 AM
To: Desai, Sudhir
Subject: RE: Portsmouth ACO Conference call

Hi Barbara,

I will have the same agenda items for Friday's call.

Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 8:05 AM
To: Barbara VanTil; Witte, Jennifer; Foster, Scott
Subject: Portsmouth ACO Conference call
When: Monday, July 08, 2013 12:00 PM-1:00 PM.
Where: R5Metcalfe-ConfRm-R1516/R5-Metcalfe—15th-Floor;

Here is the proposed agenda for the conference call.

1. Discussion about the ACO in light of Malone's request and Duncan's response
2. ACO changes
3. 3. Next call

We will originate the call.

Thank you.

Sudhir
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 8:28 AM
To: Desai, Sudhir
Subject: RE: Portsmouth ACO Conference call

Hi Barbara,

I will have the same agenda items for Friday's call.

Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 8:05 AM
To: Barbara VanTil; Witte, Jennifer; Foster, Scott
Subject: Portsmouth ACO Conference call
When: Monday, July 08, 2013 12:00 PM-1:00 PM.
Where: R5Metcalfe-ConfRm-R1516/R5-Metcalfe---15th-Floor;

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We will originate the call.

Thank you.

Sudhir
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 8:02 AM
To: Vantil, Barbara
Subject: RE: Grandview flooding

I am working today. I will send the invite today am.

Thanks for the offer to do it.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, July 10, 2013 7:51 AM
To: Desai, Sudhir
Subject: RE: Grandview flooding

Since you're not working today, I'll need to send out an invite. One day isn't enough time, unfortunately. I can't wait until Monday because I'm only working part of a day.

-----Original Message-----

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 7:49 AM
To: Vantil, Barbara
Subject: RE: Grandview flooding

I am available all day on Friday Barbara.

I am working from home.

sudhir

From: Vantil, Barbara
Sent: Wednesday, July 10, 2013 7:26 AM
To: Desai, Sudhir
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Folks were giving me their availability for Friday...

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> are close by you may want to come by and look at this.

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> So far I am only getting the seepage caused by Rick's downspout
> removal program.

>

> Larry

>

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 7:58 AM
To: Perdomo, Susan
Subject: RE: Grandview flooding

Tank you Sue. I will do it tomorrow. You are on Barbara's group.

sudhir

From: Perdomo, Susan
Sent: Wednesday, July 10, 2013 6:13 AM
To: Desai, Sudhir
Subject: RE: Grandview flooding

Sudhir - Now that Gary is back, you can delete me from the Portsmouth group. Thanks, Sue

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:22 PM
To: Foster, Scott; Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
Subject: RE: Grandview flooding

I am available and will send the invite on Thursday am.
Please let me know if you have any agenda item to discuss.

thank you.

Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Tuesday, July 09, 2013 3:15 PM
To: Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
Subject: RE: Grandview flooding

I'm available Friday till 12. I can adjust my schedule if need be.

From: Vantil, Barbara [mailto:vantil.barbara@epa.gov]
Sent: Tuesday, July 09, 2013 3:51 PM
To: Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
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From: Vantil, Barbara
Sent: Tuesday, July 09, 2013 9:24 AM
To: rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; 'David Malone'
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Susan Perdomo; Gary Prichard
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Thanks - Barbara

From: Jane Murray [mailto:mjanemurray@yahoo.com]
Sent: Monday, July 01, 2013 12:23 PM
To: Desai, Sudhir
Cc: Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell; scott.foster@epa.state.oh.us<mailto:scott.foster@epa.state.oh.us>
Subject: Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

M. Jane Murray

----- Forwarded Message -----

From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel <noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin <leedomaustin@yahoo.com<mailto:leedomaustin@yahoo.com>>; Jane Murray <mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>
Sent: Monday, July 1, 2013 10:58 AM
Subject: FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

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Sent: Monday, July 01, 2013 10:56 AM
To: Steve Sturgill
Cc: councilmembermeadows@gmail.com<mailto:councilmembermeadows@gmail.com>;
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rich@saddler.me<mailto:rich@saddler.me>
Subject: RE: Grandview flooding

Steve et al,

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LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:sssturgill@zoomnet.net<mailto:sssturgill@zoomnet.net>]
Sent: Monday, July 01, 2013 8:04 AM
To: L Essman
Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles. Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <lessman@roadrunner.com<mailto:lessman@roadrunner.com>> wrote:

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> out of all storm sewer and the street was completely flooded flooded.

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> removal program.

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> Larry

>

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 7:55 AM
To: Perdomo, Susan
Subject: RE: Grandview flooding

Hi Sue,

I have deleted your name from my group. You are on Barbara's group looks like.

Thank you for your advise on the case matter. It is nice working with you, though for a short time.

Sudhir

From: Perdomo, Susan
Sent: Wednesday, July 10, 2013 6:13 AM
To: Desai, Sudhir
Subject: RE: Grandview flooding

Sudhir - Now that Gary is back, you can delete me from the Portsmouth group. Thanks, Sue

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To: Foster, Scott; Vantil, Barbara; rduncan1@falcon1.net; David Malone
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I'm available Friday till 12. I can adjust my schedule if need be.

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Thanks - Barbara

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To: Desai, Sudhir
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Dear Sudhir:

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Thank you.

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Jane,

Could you please forward this to Sudir. I think he needs to know about this.

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Steve et al,

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> Larry

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Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 10, 2013 7:49 AM
To: Vantil, Barbara
Subject: RE: Grandview flooding

I am available all day on Friday Barbara.

I am working from home.

sudhir

From: Vantil, Barbara
Sent: Wednesday, July 10, 2013 7:26 AM
To: Desai, Sudhir
Subject: RE: Grandview flooding

Folks were giving me their availability for Friday...

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:22 PM
To: Foster, Scott; Vantil, Barbara; rduncan1@falcon1.net; David Malone
Cc: Ruggles, Kris; Witte, Jennifer; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
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> are close by you may want to come by and look at this.
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> So far I am only getting the seepage caused by Rick's downspout
> removal program.
>
> Larry
>

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:27 PM
To: Strouse, Erin
Subject: RE: friend recommendation from Portsmouth Daily Times

Erin,

Rick has unique ways of presenting the facts to his advantage. This article speaks for itself and you have read my comments. So I am not repeating them.

Thank you.

Sudhir

From: Strouse, Erin [Erin.Strouse@epa.state.oh.us]
Sent: Tuesday, July 09, 2013 11:46 AM
To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

True. Thanks, Barbara!

From: Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]
Sent: Tuesday, July 09, 2013 12:42 PM
To: Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

From: Strouse, Erin [<mailto:Erin.Strouse@epa.state.oh.us>]
Sent: Tuesday, July 09, 2013 11:08 AM
To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Unfortunately, the reporter did not call to get any input from us on this article, and it's difficult to ask for a correction since the incorrect statement was within a quote attributed to Mr. Duncan.

If the city is providing incorrect information to the people, perhaps the city is unaware of the information Sudhir shared? Perhaps the best route is to communicate these things with Mr. Duncan during your next conversation with him. Does anyone plan to speak with him anytime soon?

Erin

From: Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]
Sent: Monday, July 08, 2013 5:19 PM
To: Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara

From: Desai, Sudhir
Sent: Monday, July 08, 2013 3:26 PM
To: Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai
312/886-6704

From: Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]
Sent: Monday, July 08, 2013 11:52 AM
To: Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara
Subject: friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above

described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Protection Agency

Ohio Environmental

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:22 PM
To: Foster, Scott; Vantil, Barbara; rduncan1@falcon1.net; David Malone
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Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary
Subject: RE: Grandview flooding

Hi, all - please see attached comments to the City's proposed changes to the dates in the AOC. EPA and Ohio EPA have a few comments/questions relating to the language proposed for the 25th & Coles and Lawson Run projects. If possible, I'd like to schedule a call as soon as possible to discuss these. This appears to be the last items we need to finalize.

I'm out for the last couple of weeks in July. Would it be possible to have a call this Friday, July 12th?

Thanks, all. We're getting there! I'm glad to here things went well yesterday.

Barbara

From: Vantil, Barbara
Sent: Tuesday, July 09, 2013 9:24 AM
To: rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; 'David Malone'
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Susan Perdomo; Gary Prichard
Subject: FW: Grandview flooding

Hi, Rick - I wasn't sure if anyone had brought the comments below to your attention. Folks seem unaware that, rather than having storm and/or wastewater accumulate in their basements, the disconnected downspouts will create run-off in the streets. (Your engineering department will need to deal with that at some point.) As you continue to work with citizens on issues relating to downspouts, please consider observations such as Mr. Essman's as you communicate with the community.

I'll be sending comments on the injunctive relief parts of the order today. We did have a question regarding the smoke testing you've proposed. What is the timing on that? Also, has Mr. Haas gotten any further information on the past court case regarding "grandfathering" of homes?

Thanks - Barbara

From: Jane Murray [mailto:mjanemurray@yahoo.com]
Sent: Monday, July 01, 2013 12:23 PM
To: Desai, Sudhir
Cc: Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell;
scott.foster@epa.state.oh.us<mailto:scott.foster@epa.state.oh.us>
Subject: Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

M. Jane Murray

----- Forwarded Message -----

From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel
<noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin
<leedomastin@yahoo.com<mailto:leedomastin@yahoo.com>>; Jane Murray
<mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>
Sent: Monday, July 1, 2013 10:58 AM
Subject: FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

-----Original Message-----

From: L Essman [mailto:lessman@roadrunner.com<mailto:lessman@roadrunner.com>]
Sent: Monday, July 01, 2013 10:56 AM
To: Steve Sturgill
Cc: councilmembermeadows@gmail.com<mailto:councilmembermeadows@gmail.com>;
kwwj@roadrunner.com<mailto:kwwj@roadrunner.com>;
kevne1954@hotmail.com<mailto:kevne1954@hotmail.com>;
rich@saddler.me<mailto:rich@saddler.me>
Subject: RE: Grandview flooding

Steve et al,

I had never seen flooding on Grandview to the extent it occurred on Saturday. We could not even leave the house to go to church. The whole street virtually turned into a river. What was really different was water continued to come up out of the 'drip sewers' and run down the street even twenty minutes or more after the rain had stopped. Howard Baughman's brother in law told Loretta that he had never seen that happen before and I had never seen it happen either.

It appears to me the situation is deteriorating in this neighborhood. We need action not more studies of the problem. The City has been studying the problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

In stead of paying for more studies it might be cheaper to buy out the property owners in the 2400 block of Grandview and turn the block into a parking lot for the hospital of some other use.

Again, I thank all of you for your concern about this problem. I hope that we can begin to see some real progress.

LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:sssturgill@zoomnet.net<mailto:sssturgill@zoomnet.net>]
Sent: Monday, July 01, 2013 8:04 AM
To: L Essman
Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles. Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <lessman@roadrunner.com<mailto:lessman@roadrunner.com>> wrote:

> Gene,
>
> This last rain completely flooded Grandview. Water was shooting up
> out of all storm sewer and the street was completely flooded flooded.
>
> Water is still running down the east side of the street from the
> intersection of 25th Street. There is no water entering the drip sewer.
My
> neighbor and I think the water is seeping up through the blacktop.
> If
you
> are close by you may want to come by and look at this.

>
> So far I am only getting the seepage caused by Rick's downspout
> removal program.
>
> Larry
>

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:04 PM
To: Beese, Jennifer
Subject: Accepted: Next SSO Case Coordination Team - Meeting on Monday July 15 at 11:00 am

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 3:26 PM
To: 'Foster, Scott'; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5 Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai
312/886-6704

From: Foster, Scott [mailto:scott.foster@epa.state.oh.us]
Sent: Monday, July 08, 2013 11:52 AM
To: Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara
Subject: friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and

federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 11:15 AM
To: Foster, Scott
Subject: Conference call/Portsmouth, OH

Hi Scott,

Thank you for the call. Pl. call me.

Sudhir
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 8:58 AM
To: Foster, Scott
Subject: FW: Message from "R5-R1502"/Portsmouth, OH ACO AS OF 7/4/2013/CHANGES
Attachments: 20130708082917767.pdf

Hi Scott,

I did not see the ACO copy in my inbox. You may not have received from Duncan. Happy reading.

I called you just a few min. ago. But missed you and did not leave the message.

Please call me.

Sudhir

-----Original Message-----

From: Desai, Sudhir
Sent: Monday, July 08, 2013 8:29 AM
To: Desai, Sudhir
Subject: FW: Message from "R5-R1502"/Portsmouth, OH ACO AS OF 7/4/2013/CHANGES

-----Original Message-----

From: R5-R1502@epa.gov [<mailto:R5-R1502@epa.gov>]
Sent: Monday, July 08, 2013 7:29 AM
To: Desai, Sudhir
Subject: Message from "R5-R1502"

This E-mail was sent from "R5-R1502" (Aficio MP C7501).

Scan Date: 07.08.2013 08:29:17 (-0400)
Queries to: R5-R1502@epa.gov

12-05-12 Tech call comments inserted into document entitled "11-28-12: EPA STAFF
PROPOSAL IN RESPONSE TO CITY'S 11-5-12 COMMENTS"
FOR CONSIDERATION IN NEGOTIATING POSSIBLE AOC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	DOCKET NO. V-W-12-AO-
)	
CITY OF PORTSMOUTH, OHIO	)	PROCEEDING UNDER SECTIONS
	)	308 AND 309(a) OF
RESPONDENT	)	THE CLEAN WATER ACT

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tinka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

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DEFINITIONS

All terms used, but not defined, in this Order have the meanings provided to them in the Act and EPA regulations promulgated under the Act.

"Combined Sewer Overflow" or "CSO" means any discharge from any outfall identified in Respondent's National Pollutant Discharge Elimination System (NPDES) permits as a CSO.

"Combined Sewer System" or "CSS" shall mean the portion of Respondent's Sewer System designed to convey municipal sewage and stormwater runoff through a single-pipe system to Respondent's wastewater treatment plants.

"Non-System-Caused Release" means any wastewater release that is caused by backups, blockages, flow conditions, or malfunctions in a building lateral, other piping or conveyance system that is not owned or operationally controlled by the Respondent.

"Release" shall mean a Non-System-Caused Release, SSO or Unauthorized CSO.

"Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Sanitary Sewer System, including building/property backups, but excluding Non-System-Caused Releases.

"Sanitary Sewer System" means the portion of the Respondent's Sewer System that is not part of the Combined Sewer System.

"Sewer System" shall mean the wastewater collection and transmission system owned or operated by Respondent designed to collect and convey municipal sewage (domestic, commercial and industrial) to Respondent's wastewater treatment plants or to a combined sewer overflow structure. "Sewer System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."

"Unauthorized Combined Sewer Overflow" or "Unauthorized CSO" shall mean an overflow,

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spill, diversion, or release of wastewater from or caused by Respondent's Combined Sewer System at a source not specifically identified in Respondent's NPDES permits as a CSO, including building/property backups, but excluding Non-System-Caused Releases.

FINDINGS

- A. Respondent is a political subdivision of the State of Ohio, and as such is a "person" for purpose of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- B. Respondent is the owner and operator of two municipal wastewater treatment plants (the Portsmouth WWTP and Sciotovalle WWTP) in Portsmouth, Ohio, as well the Sewer System that feeds into those two treatment plants. Respondent discharged treated municipal sewage from outfalls at the two treatment plants, and untreated municipal sewage from outfalls in the Sewer System known as "combined sewer overflow" or "CSO" outfalls. These outfalls constitute "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- C. The point sources described above in Paragraph B discharge into the Ohio River and some of its tributaries. The Ohio River and its tributaries are "navigable waters" and "waters of the United States" as defined by Section 502(7) of the Act, U.S.C. § 1362(7) and its implementing regulation 40 C.F.R. § 122.2.
- D. Municipal sewage is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).
- E. On May 16, 2007, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act a National Pollutant Discharge Elimination System (NPDES) permit for the Sciotovalle WWTP (Sciotovalle Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Parts I.B.1 and II.O of the Sciotovalle

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Permit prohibit sanitary sewer overflows (SSOs). On June 25, 2009, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act an NPDES permit for the Portsmouth WWTP (Portsmouth Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Part II.F of the Portsmouth Permit prohibits sanitary sewer overflows (SSOs). Part III.2 of the Portsmouth Permit includes General Effluent Limitations applicable to discharge from Respondent's CSO outfalls. Part II.H of the Portsmouth Permit and Part II.B of the Sciotoville Permit require Respondent to "maintain in good working order and operate as efficiently as possible, the "treatment works" and "Sewer System" . . . to prevent untreated or partially treated discharges of wastewater to the waters of the state, surfaces of the ground, basements, homes, buildings, etc."

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

H. Pursuant to Section 308(a)(5)(A) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(5)(A), and having taken into account the seriousness of the violations and Respondent's financial limitations, and considering further that Respondent will undertake the measures set forth in the "Order on Consent" section of this document in order to work toward achieving compliance with the requirements described in Paragraph E, the EPA finds that the schedule set forth in the Order

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on Consent is a reasonable one for the Respondent to work toward achieving compliance with those requirements.

ORDER ON CONSENT

Based on the foregoing Findings and pursuant to the authority of Section 308 and 309(a)(3) of the Act, IT IS HEREBY ORDERED AND AGREED THAT:

Respondent shall take the measures below in accordance with the schedule specified below.

1. Respondent must immediately begin forwarding to EPA, at the following address, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013*LD regarding all CSO and SSO occurrences:

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013*LD. For the Sciotoville WWTP, all the information is required under Parts I.B and II.O of NPDES Permit No. OPC00018*ED.

2. Respondent shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include but not be limited to:
 - a. providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System;
 - b. continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System;
 - c. taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs;
 - d. providing public education regarding potential risks associated with exposure to pollutants associated with any SSO or Unauthorized CSO; and

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- e. implementing the nine minimum controls, which are technology-based actions or measures to reduce CSOs and their effects on receiving water quality.
3. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall implement a procedure to report all Releases. This procedure shall include:
- a. E-mail and/or Oral notification to the OEPA (sedo24hourmpdes@epa.state.oh.us, or telephone number: 1-800-686-7330) and the City Health Department (telephone number: 740-354-3241), as appropriate, within twenty-four hours of learning of the Release. Verbal notification will include location of the Release, the receiving water, if any, and an estimate of the volume of the Release.
 - b. A written report to the OEPA (with a copy to EPA) within five (5) calendar days of the date Respondent became aware of the Release. The written report shall contain:
 - i. the location of the Release;
 - ii. the receiving water, if any;
 - iii. an estimate of the volume of the Release;
 - iv. a description of the sewer component from which the Release occurred (e.g., manhole);
 - v. the estimated date and time when the Release began and stopped or will be stopped;
 - vi. the cause or suspected cause of the Release;
 - vii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Release and, if applicable, a schedule of major milestones for those steps; and
 - viii. steps taken or planned to mitigate the impact(s) of the Release and a schedule of milestones for those steps; and
 - ix. name and title of person reporting the Release.
4. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit for EPA approval an Overflow Emergency Response Plan (OERP) that identifies measures to mitigate the impacts of any SSOs and/or Unauthorized CSOs and protect public health and the environment. In addition to the reporting and notification program described in Paragraph 3, above, this plan shall include but not be limited to:
- a. a mechanism to ensure that Respondents are made aware of all SSOs and/or Unauthorized CSOs;
 - b. establishing and implementing procedures to ensure responses to SSOs and/or Unauthorized CSOs, including ensuring that reports of SSOs and/or Unauthorized CSOs are immediately dispatched to personnel for investigation and response;
 - c. establishing and implementing procedures to ensure that personnel are aware of and follow the Overflow Emergency Response Plan and are trained; and

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- d. establishing and implementing emergency operations procedures.
- 5. EPA may approve in writing the OERP or, if EPA determines that Respondent's proposed OERP is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed OERP in response to EPA's corrective comments, and resubmit the proposed OERP to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA of the OERP, Respondent shall implement the approved OERP.
- 6. Within 180 calendar days of receipt of this Order, Respondent must prepare a Sewer Systems Management, Operation and Maintenance (MOM) Program for all parts of its Sewer System; and submit a written description of its MOM program to EPA for approval. The MOM program will demonstrate how Portsmouth will provide proper management, operation and maintenance of the gravity sewer lines, force mains, pump stations, and other equipment associated with its Sewer System; minimize Sewer System failures, such as wastewater backups into buildings, and discharges from the Sewer System; maximize flow to the WWTPs; and provide maximum feasible treatment to all sewer flows. The Program shall be in accordance with EPA's January 2005 "Guide for Evaluating Capacity, Management, Operation and Maintenance Programs" (EPA 305-B-05-002), and EPA's May 1995 "Combined Sewer Overflows Guidance for Nine Minimum Controls" (EPA 832-B-95-003). Respondents must implement the MOM program beginning within 30 calendar days after approval by EPA. The OERP shall be incorporated into the MOM program. The MOM shall include, but not be limited to, the following:
 - a. A description of Portsmouth's existing Sewer Systems maintenance program, including a detailed map of the Sewer System;
 - b. A description of the maintenance level of effort, by activity, to be carried out, the frequency of inspection and line cleaning activities for each Sewer Basin, and a description of how maintenance activities focus on the areas of the Sewer Systems most in need of attention;
 - c. A plan and schedule (not to exceed 5 years from the beginning of implementation of the MOM program) for the implementation of an initial system inventory and condition assessment;
 - d. Provisions for cleaning and televising, within 5 years of the effective date of this Order, all Sewer segments less than 18 inches in diameter that have been in service for more than 20 years;
 - e. Plans and schedules for the routine inspection of the Sewer Systems in accordance with the following minimum requirements:

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- i. routine inspection of all manholes, including all manholes that are entered for purposes of cleaning, inspection, or other routine maintenance activities;
 - ii. closed circuit television (CCTV) inspection sewer segments not previously inspected by CCTV within 30 days after the occurrence of an SSO or Unauthorized CSO in a location not already scheduled for repairs or improvements under this Order;
 - iii. routine inspection of all Pump Stations;
 - iv. routine inspection of structures critical to the operation of the Sewer System, including regulators, overflow weirs, tide gates, catch basins, etc.
 - f. Provisions for evaluating and removing sources of Rainfall-derived Infiltration and Inflow into Sewer Systems;
 - g. Procedures for ensuring that new sewer segments and connections are properly designed and constructed (including testing of new sewer segments installations) and procedures for ensuring that rehabilitation projects are properly designed and constructed to prevent SSOs, Unauthorized CSOs, and new connections of storm water inflow;
 - h. Procedures for maintaining all Pump Stations in good working order, including but not limited to:
 - i. routine cleaning of pump station wet wells;
 - ii. maintaining backup power capability;
 - i. A description of the capabilities of Portsmouth's record keeping and/or data management system and the degree to which it is currently used to manage Sewer Systems maintenance data, including sample outputs such as routine work schedule summaries and work orders;
 - j. A description of current and proposed Sewer Systems maintenance staffing levels (both planned and actual), organizational structure, equipment and other resources dedicated to Sewer Systems maintenance;
 - k. A description of Portsmouth's current and proposed spare parts inventory, and how critical spare parts were identified;
 - l. Provisions for insuring that the maximum flow is transported to the WWTPs prior to discharging from any CSOs and that CSO discharges are minimized.
7. EPA may approve in writing the MOM Program or, if EPA determines that Respondent's proposed MOM Program is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed MOM Program in response to EPA's corrective comments, and resubmit the proposed MOM Program to EPA for written approval within 45 calendar days after receipt thereof. Upon

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written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

Activity	Date
Execute Construction Contract for North Moreland Sewer Lining Project	Completed
Complete Construction of North Moreland Sewer Lining Project	07/15/2013 <u>12/31/2013</u>
Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA	05/01/2013 <u>09/01/2013</u>
Complete Construction of North Moreland Manhole Rehabilitation project	12/31/2013

*2/13 work done
bidding in August*

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

Activity	Date
Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs	No later than 60 days after conclusion of the monitoring period
Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs	No later than 60 days after EPA's written approval of the Amended Schedule

10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.
11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

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Activity	Date
Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project.	Completed
Downspout Disconnection Program: Issue letters to private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary Sewer System.	Completed
Complete verification of downspout disconnection status of 47 downspouts.	4/1/13 Completed
Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.	6/1/13 09/01/2013
Provide written completion report to EPA and the OEPA within 30 days of completion of the project.	
25 th and Coles Street Retention Basin Project: Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project	4/1/13 Completed
Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA	6/1/13 09/01/2013
Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA	Within 180 days of the latter of either a jurisdictional wetland determination or obtaining appropriate 401/404 permits for the project if such permits are determined to be necessary. (Alternative: 10/1/15 * dates may be modified by parties depending upon jurisdictional wetland determination and permitting requirements for project). 10/1/13
Complete construction of 25th and Coles Street Retention Basin Project	Within 1 year of advertising for bids for construction of this project. (Alternative: 10/1/16 * dates may be modified by parties depending upon jurisdictional wetland determination and

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	permitting requirements for project). 10/1/14
2300 Block of Grandview Project: Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	Completed
Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	6/1/1309/01/2013
Submit application for Permit to Install to Ohio EPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to EPA	10/1/1303/01/2014
Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to EPA and OEPA	10/1/1303/01/2014
Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to EPA and OEPA	12/31/1306/01/2014
Complete construction of 2300 Block of Grandview Avenue Storage Project	5/1/2015 *date is contingent and may be modified by the parties depending upon the City's ability to acquire, following commercially reasonable efforts, property for completion of the storage facility. 3/31/15
Perform post-construction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects in eliminating Releases. Performance shall be evaluated during a demonstration period of two years, and will include: 1) analysis of release data generated through implementation of the approved OERP; 2) measurement of the effectiveness at eliminating releases during severe storm events; and	Upon Completion of demonstration period.

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<p>3) demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.</p>	
---	--

12. Respondent must comply with the following schedule for the Lawson Run Projects:

Activity	Date
Conduct visual inspection of Lawson Run Sewer.	04/01/2013 <u>Completed</u>
Execute Engineering Agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to EPA and OEPA	6/4/13 <u>01/01/2014</u>
Advertise for bids for TV Assessment of large diameter and tunnel sewers and submit a copy of such advertisement to EPA and OEPA	8/1/13 <u>03/01/2014</u>
Complete TV of Lawson Run Connections	12/31/13 <u>10/01/2014</u>
Submit Part I of Feasibility Report to EPA and OEPA - condition assessment of Lawson Run and existing connections, and proposed approach to separation.	2/28/14 <u>12/31/2014</u>
Submit Part II of Feasibility Report to EPA and OEPA - costing of traditional gravity separation projects and alternative separation approaches.	5/31/14 <u>03/01/2015</u>
Submit Part III of Feasibility Report to EPA and OEPA - recommended approach to potential Lawson Run projects including necessary headworks/influent modifications.	8/31/14 <u>06/01/2015</u>
Address EPA comments and Submit Final Feasibility Report	Within 30 days of receipt of EPA Comments

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13. Portsmouth shall submit bimonthly progress reports on the progress it has made on implementing the activities and capital improvement projects discussed in paragraphs 8-12. For each project, the following information should be provided:

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- Name of the activity and/or project and activity/project description
- Section of the ACO under which the activity/project is initiated
- Start date of the activity/project
- Milestones for each activity/project, description of the milestone and percent project completed
- Expected outcome of the activity/project
- Technical design drawings of the project (required to be submitted only once for each project)
- Basis of cost estimation and any assumptions for deriving project cost, engineering calculations
- Project cost, proposed and actual, and copies of change work orders for the project
- Personnel responsible for managing the project, titles
- Deviation from the project, rationale for the deviation, what will be the project outcome
- Project end date

The bimonthly progress report shall also include a Gantt chart illustrating projected start, interim and finish dates for all of the projects discussed in paragraphs 8-12. For each monthly progress report, the Gantt chart shall be updated to reflect the projected start, interim and finish dates as they exist as of the date of the bimonthly progress report. To the extent that any Gantt chart is different from the Gantt chart that had been provided in the previous bimonthly report, Portsmouth shall provide an explanation for why the Gantt chart has been changed.

14. Commencing immediately, Respondent will prepare annual reports for submission to EPA. The annual report will convey the following information:
 - a. Respondents' progress on completing the projects described in the original implementation schedule, or the amended schedule, whichever is in effect, for Sewer System rehabilitation/replacement work to eliminate remaining SSOs and Unauthorized CSOs, including identification of projects completed in the previous calendar year, status of projects underway as of the end of the calendar year, status of projects scheduled for implementation during the new calendar year, and identification of any anticipated delay in the schedule and the reasons therefore, and all steps that have been taken, or will be taken, to minimize or eliminate the anticipated delay;
 - b. Respondent's progress in implementing its MOM program, and
 - c. An inventory of all SSOs and Unauthorized CSOs occurring in the previous calendar year, identifying the dates, sources, estimated volumes, receiving waters and principal pollutants contained in the discharges, accompanied by a copy of a press release that Respondent must issue to inform the public of the availability of the inventory on Respondent's principal webpage.

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- d. The Respondent must submit the Discharge Monitoring Reports and CSO reports provided to OEPA to EPA.

The annual reports must be postmarked by January 31 of the year following the year of acceptance of this agreement, and submitted to the Water Enforcement and Compliance Branch Chief at the address provided in Paragraph 1, above.

GENERAL PROVISIONS

- A. Issuance of this Order shall not be deemed an election by the EPA to forego any civil or criminal administrative or judicial action to seek civil penalties, fines, or other appropriate relief (including injunctive relief) under the Act for the violations set forth in the Findings or future violations that Respondent might commit.
- B. Issuance of this Order does not affect the EPA's authority to seek additional information under Section 308 of the Act, 33 U.S.C. § 1318, or otherwise affect the EPA's ability to enforce the Permit or enforce or implement the Clean Water Act.
- C. In evaluating whether to initiate any future civil or administrative enforcement action or whether to seek additional information under Section 308 of the Act, EPA may (but is not required to) consider the extent to which Respondent has complied with the terms of this Order; including, but not limited to, the extent to which Respondent has submitted an approvable OERP, MOM Program or Amended Munn's Run schedule, and/or the extent to which Respondent has incorporated EPA comments on any OERP, MOM Program and Amended Munn's Run Schedule proposed by Respondent.
- D. Respondent agrees that the EPA has jurisdiction to issue this Order.
- E. Respondent neither admits nor denies liability for the violations identified in Paragraph G above, but waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of

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fact or law set forth in the Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

- F. Failure to comply with the terms of this Order on Consent may result in Respondent's liability for significant statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA in a district court of competent jurisdiction, the district court may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the Act as described above and failed to comply with the term of this Order. In determining the amount of a any penalty the court will consider the seriousness of Respondent's violations, Respondent's economic benefit (if any) resulting from the violations, any history Respondent may have of such violations, any good faith efforts Respondent has made to comply with the applicable requirements, the economic impact the penalty may have upon the Respondent, and such other matters as justice may require..
- G. Respondent's compliance with this Order on Consent is not conditioned on the receipt of any federal, state or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any applications for the same.
- H. Respondent reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violations of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.
- I. This Order on Consent shall become effective upon the signature of the parties.

David Malone
Mayor, City of Portsmouth

Date: _____

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Tinka G. Hyde
Director, Water Division

Date: _____

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 8:29 AM
To: Desai, Sudhir
Subject: FW: Message from "R5-R1502"/Portsmouth, OH ACO AS OF 7/4/2013/CHANGES
Attachments: 20130708082917767.pdf

-----Original Message-----

From: R5-R1502@epa.gov [<mailto:R5-R1502@epa.gov>]
Sent: Monday, July 08, 2013 7:29 AM
To: Desai, Sudhir
Subject: Message from "R5-R1502"

This E-mail was sent from "R5-R1502" (Aficio MP C7501).

Scan Date: 07.08.2013 08:29:17 (-0400)
Queries to: R5-R1502@epa.gov

12-05-12 Tech call comments inserted into document entitled "11-28-12: EPA STAFF
PROPOSAL IN RESPONSE TO CITY'S 11-5-12 COMMENTS"
FOR CONSIDERATION IN NEGOTIATING POSSIBLE AOC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	DOCKET NO. V-W-12-AO-
)	
CITY OF PORTSMOUTH, OHIO	)	PROCEEDING UNDER SECTIONS
	)	308 AND 309(a) OF
RESPONDENT	)	THE CLEAN WATER ACT

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tinka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

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DEFINITIONS

All terms used, but not defined, in this Order have the meanings provided to them in the Act and EPA regulations promulgated under the Act.

"Combined Sewer Overflow" or "CSO" means any discharge from any outfall identified in Respondent's National Pollutant Discharge Elimination System (NPDES) permits as a CSO.

"Combined Sewer System" or "CSS" shall mean the portion of Respondent's Sewer System designed to convey municipal sewage and stormwater runoff through a single-pipe system to Respondent's wastewater treatment plants.

"Non-System-Caused Release" means any wastewater release that is caused by backups, blockages, flow conditions, or malfunctions in a building lateral, other piping or conveyance system that is not owned or operationally controlled by the Respondent.

"Release" shall mean a Non-System-Caused Release, SSO or Unauthorized CSO.

"Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Sanitary Sewer System, including building/property backups, but excluding Non-System-Caused Releases.

"Sanitary Sewer System" means the portion of the Respondent's Sewer System that is not part of the Combined Sewer System.

"Sewer System" shall mean the wastewater collection and transmission system owned or operated by Respondent designed to collect and convey municipal sewage (domestic, commercial and industrial) to Respondent's wastewater treatment plants or to a combined sewer overflow structure. "Sewer System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."

"Unauthorized Combined Sewer Overflow" or "Unauthorized CSO" shall mean an overflow,

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spill, diversion, or release of wastewater from or caused by Respondent's Combined Sewer System at a source not specifically identified in Respondent's NPDES permits as a CSO, including building/property backups, but excluding Non-System-Caused Releases.

FINDINGS

- A. Respondent is a political subdivision of the State of Ohio, and as such is a "person" for purpose of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- B. Respondent is the owner and operator of two municipal wastewater treatment plants (the Portsmouth WWTP and Sciotoville WWTP) in Portsmouth, Ohio, as well the Sewer System that feeds into those two treatment plants. Respondent discharged treated municipal sewage from outfalls at the two treatment plants, and untreated municipal sewage from outfalls in the Sewer System known as "combined sewer overflow" or "CSO" outfalls. These outfalls constitute "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- C. The point sources described above in Paragraph B discharge into the Ohio River and some of its tributaries. The Ohio River and its tributaries are "navigable waters" and "waters of the United States" as defined by Section 502(7) of the Act, U.S.C. § 1362(7) and its implementing regulation 40 C.F.R. § 122.2.
- D. Municipal sewage is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).
- E. On May 16, 2007, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act a National Pollutant Discharge Elimination System (NPDES) permit for the Sciotoville WWTP (Sciotoville Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Parts I.B.1 and II.O of the Sciotoville

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Permit prohibit sanitary sewer overflows (SSOs). On June 25, 2009, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act an NPDES permit for the Portsmouth WWTP (Portsmouth Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Part II.F of the Portsmouth Permit prohibits sanitary sewer overflows (SSOs). Part III.2 of the Portsmouth Permit includes General Effluent Limitations applicable to discharge from Respondent's CSO outfalls. Part II.H of the Portsmouth Permit and Part II.B of the Sciotoville Permit require Respondent to "maintain in good working order and operate as efficiently as possible, the "treatment works" and "Sewer System" . . . to prevent untreated or partially treated discharges of wastewater to the waters of the state, surfaces of the ground, basements, homes, buildings, etc."

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

H. Pursuant to Section 308(a)(5)(A) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(5)(A), and having taken into account the seriousness of the violations and Respondent's financial limitations, and considering further that Respondent will undertake the measures set forth in the "Order on Consent" section of this document in order to work toward achieving compliance with the requirements described in Paragraph E, the EPA finds that the schedule set forth in the Order

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on Consent is a reasonable one for the Respondent to work toward achieving compliance with those requirements.

ORDER ON CONSENT

Based on the foregoing Findings and pursuant to the authority of Section 308 and 309(a)(3) of the Act, IT IS HEREBY ORDERED AND AGREED THAT:

Respondent shall take the measures below in accordance with the schedule specified below.

1. Respondent must immediately begin forwarding to EPA, at the following address, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013*LD regarding all CSO and SSO occurrences:

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013*LD. For the Sciotoville WWTP, all the information is required under Parts I.B and II.O of NPDES Permit No. OPC00018*ED.

2. Respondent shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include but not be limited to:
 - a. providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System;
 - b. continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System;
 - c. taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs;
 - d. providing public education regarding potential risks associated with exposure to pollutants associated with any SSO or Unauthorized CSO; and

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- e. implementing the nine minimum controls, which are technology-based actions or measures to reduce CSOs and their effects on receiving water quality.
3. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall implement a procedure to report all Releases. This procedure shall include:
- a. E-mail and/or Oral notification to the OEPA (sedo24hournpdes@epa.state.oh.us, or telephone number: 1-800-686-7330) and the City Health Department (telephone number: 740-354-3241), as appropriate, within twenty-four hours of learning of the Release. Verbal notification will include location of the Release, the receiving water, if any, and an estimate of the volume of the Release.
 - b. A written report to the OEPA (with a copy to EPA) within five (5) calendar days of the date Respondent became aware of the Release. The written report shall contain:
 - i. the location of the Release;
 - ii. the receiving water, if any;
 - iii. an estimate of the volume of the Release;
 - iv. a description of the sewer component from which the Release occurred (e.g., manhole);
 - v. the estimated date and time when the Release began and stopped or will be stopped;
 - vi. the cause or suspected cause of the Release;
 - vii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Release and, if applicable, a schedule of major milestones for those steps; and
 - viii. steps taken or planned to mitigate the impact(s) of the Release and a schedule of milestones for those steps; and
 - ix. name and title of person reporting the Release.
4. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit for EPA approval an Overflow Emergency Response Plan (OERP) that identifies measures to mitigate the impacts of any SSOs and/or Unauthorized CSOs and protect public health and the environment. In addition to the reporting and notification program described in Paragraph 3, above, this plan shall include but not be limited to:
- a. a mechanism to ensure that Respondents are made aware of all SSOs and/or Unauthorized CSOs;
 - b. establishing and implementing procedures to ensure responses to SSOs and/or Unauthorized CSOs, including ensuring that reports of SSOs and/or Unauthorized CSOs are immediately dispatched to personnel for investigation and response;
 - c. establishing and implementing procedures to ensure that personnel are aware of and follow the Overflow Emergency Response Plan and are trained; and

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- d. establishing and implementing emergency operations procedures.
- 5. EPA may approve in writing the OERP or, if EPA determines that Respondent's proposed OERP is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed OERP in response to EPA's corrective comments, and resubmit the proposed OERP to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA of the OERP, Respondent shall implement the approved OERP.
- 6. Within 180 calendar days of receipt of this Order, Respondent must prepare a Sewer Systems Management, Operation and Maintenance (MOM) Program for all parts of its Sewer System; and submit a written description of its MOM program to EPA for approval. The MOM program will demonstrate how Portsmouth will provide proper management, operation and maintenance of the gravity sewer lines, force mains, pump stations, and other equipment associated with its Sewer System; minimize Sewer System failures, such as wastewater backups into buildings, and discharges from the Sewer System; maximize flow to the WWTPs; and provide maximum feasible treatment to all sewer flows. The Program shall be in accordance with EPA's January 2005 "Guide for Evaluating Capacity, Management, Operation and Maintenance Programs" (EPA 305-B-05-002), and EPA's May 1995 "Combined Sewer Overflows Guidance for Nine Minimum Controls" (EPA 832-B-95-003). Respondents must implement the MOM program beginning within 30 calendar days after approval by EPA. The OERP shall be incorporated into the MOM program. The MOM shall include, but not be limited to, the following:
 - a. A description of Portsmouth's existing Sewer Systems maintenance program, including a detailed map of the Sewer System;
 - b. A description of the maintenance level of effort, by activity, to be carried out, the frequency of inspection and line cleaning activities for each Sewer Basin, and a description of how maintenance activities focus on the areas of the Sewer Systems most in need of attention;
 - c. A plan and schedule (not to exceed 5 years from the beginning of implementation of the MOM program) for the implementation of an initial system inventory and condition assessment;
 - d. Provisions for cleaning and televising, within 5 years of the effective date of this Order, all Sewer segments less than 18 inches in diameter that have been in service for more than 20 years;
 - e. Plans and schedules for the routine inspection of the Sewer Systems in accordance with the following minimum requirements:

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- i. routine inspection of all manholes, including all manholes that are entered for purposes of cleaning, inspection, or other routine maintenance activities;
 - ii. closed circuit television (CCTV) inspection sewer segments not previously inspected by CCTV within 30 days after the occurrence of an SSO or Unauthorized CSO in a location not already scheduled for repairs or improvements under this Order;
 - iii. routine inspection of all Pump Stations;
 - iv. routine inspection of structures critical to the operation of the Sewer System, including regulators, overflow weirs, tide gates, catch basins, etc.
 - f. Provisions for evaluating and removing sources of Rainfall-derived Infiltration and Inflow into Sewer Systems;
 - g. Procedures for ensuring that new sewer segments and connections are properly designed and constructed (including testing of new sewer segments installations) and procedures for ensuring that rehabilitation projects are properly designed and constructed to prevent SSOs, Unauthorized CSOs, and new connections of storm water inflow;
 - h. Procedures for maintaining all Pump Stations in good working order, including but not limited to:
 - i. routine cleaning of pump station wet wells;
 - ii. maintaining backup power capability;
 - i. A description of the capabilities of Portsmouth's record keeping and/or data management system and the degree to which it is currently used to manage Sewer Systems maintenance data, including sample outputs such as routine work schedule summaries and work orders;
 - j. A description of current and proposed Sewer Systems maintenance staffing levels (both planned and actual), organizational structure, equipment and other resources dedicated to Sewer Systems maintenance;
 - k. A description of Portsmouth's current and proposed spare parts inventory, and how critical spare parts were identified;
 - l. Provisions for insuring that the maximum flow is transported to the WWTPs prior to discharging from any CSOs and that CSO discharges are minimized.
7. EPA may approve in writing the MOM Program or, if EPA determines that Respondent's proposed MOM Program is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed MOM Program in response to EPA's corrective comments, and resubmit the proposed MOM Program to EPA for written approval within 45 calendar days after receipt thereof. Upon

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written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

Activity	Date
Execute Construction Contract for North Moreland Sewer Lining Project	Completed
Complete Construction of North Moreland Sewer Lining Project	07/15/2013 12/31/2013
Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA	05/01/2013 09/01/2013
Complete Construction of North Moreland Manhole Rehabilitation project	12/31/2013

*24 work done
2/3
bidding in August*

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

Activity	Date
Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs	No later than 60 days after conclusion of the monitoring period
Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs	No later than 60 days after EPA's written approval of the Amended Schedule

10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.
11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

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Activity	Date
Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project.	Completed
Downspout Disconnection Program: Issue letters to private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary Sewer System.	Completed
Complete verification of downspout disconnection status of 47 downspouts.	4/1/13 <u>Completed</u>
Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.	6/1/13 09/01/2013
Provide written completion report to EPA and the OEPA within 30 days of completion of the project.	
25 th and Coles Street Retention Basin Project: Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project	4/1/13 <u>Completed</u>
Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA	6/1/13 09/01/2013
Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA	<u>Within 180 days of the latter of either a jurisdictional wetland determination or obtaining appropriate 401/404 permits for the project if such permits are determined to be necessary. (Alternative: 10/1/15 * dates may be modified by parties depending upon jurisdictional wetland determination and permitting requirements for project).</u> 10/1/13
Complete construction of 25th and Coles Street Retention Basin Project	<u>Within 1 year of advertising for bids for construction of this project. (Alternative: 10/1/16 * dates may be modified by parties depending upon jurisdictional wetland determination and</u>

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	permitting requirements for project). 10/1/14
2300 Block of Grandview Project: Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	Completed
Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	6/1/1309/01/2013
Submit application for Permit to Install to Ohio EPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to EPA	10/1/1303/01/2014
Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to EPA and OEPA	10/1/1303/01/2014
Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to EPA and OEPA	12/31/1306/01/2014
Complete construction of 2300 Block of Grandview Avenue Storage Project	5/1/2015 *date is contingent and may be modified by the parties depending upon the City's ability to acquire, following commercially reasonable efforts, property for completion of the storage facility. 3/31/15
Perform post-construction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects in eliminating Releases. Performance shall be evaluated during a demonstration period of two years, and will include: 1) analysis of release data generated through implementation of the approved OERP; 2) measurement of the effectiveness at eliminating releases during severe storm events; and	Upon Completion of demonstration period.

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EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE ADMINISTRATIVE ORDER ON CONSENT

<p>3) demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.</p>	
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12. Respondent must comply with the following schedule for the Lawson Run Projects:

Activity	Date
Conduct visual inspection of Lawson Run Sewer.	04/01/2013 <u>Completed</u>
Execute Engineering Agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to EPA and OEPA	6/1/13 <u>01/2014</u>
Advertise for bids for TV Assessment of large diameter and tunnel sewers and submit a copy of such advertisement to EPA and OEPA	8/1/13 <u>03/01/2014</u>
Complete TV of Lawson Run Connections	12/31/13 <u>10/01/2014</u>
Submit Part I of Feasibility Report to EPA and OEPA - condition assessment of Lawson Run and existing connections, and proposed approach to separation.	2/28/14 <u>12/31/2014</u>
Submit Part II of Feasibility Report to EPA and OEPA - costing of traditional gravity separation projects and alternative separation approaches.	5/31/14 <u>03/01/2015</u>
Submit Part III of Feasibility Report to EPA and OEPA - recommended approach to potential Lawson Run projects including necessary headworks/influent modifications.	8/31/14 <u>06/01/2015</u>
Address EPA comments and Submit Final Feasibility Report	Within 30 days of receipt of EPA Comments

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13. Portsmouth shall submit bimonthly progress reports on the progress it has made on implementing the activities and capital improvement projects discussed in paragraphs 8-12. For each project, the following information should be provided:

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

- Name of the activity and/or project and activity/project description
- Section of the ACO under which the activity/project is initiated
- Start date of the activity/project
- Milestones for each activity/project, description of the milestone and percent project completed
- Expected outcome of the activity/project
- Technical design drawings of the project (required to be submitted only once for each project)
- Basis of cost estimation and any assumptions for deriving project cost, engineering calculations
- Project cost, proposed and actual, and copies of change work orders for the project
- Personnel responsible for managing the project, titles
- Deviation from the project, rationale for the deviation, what will be the project outcome
- Project end date

The bimonthly progress report shall also include a Gantt chart illustrating projected start, interim and finish dates for all of the projects discussed in paragraphs 8-12. For each monthly progress report, the Gantt chart shall be updated to reflect the projected start, interim and finish dates as they exist as of the date of the bimonthly progress report. To the extent that any Gantt chart is different from the Gantt chart that had been provided in the previous bimonthly report, Portsmouth shall provide an explanation for why the Gantt chart has been changed.

14. Commencing immediately, Respondent will prepare annual reports for submission to EPA. The annual report will convey the following information:
 - a. Respondents' progress on completing the projects described in the original implementation schedule, or the amended schedule, whichever is in effect, for Sewer System rehabilitation/replacement work to eliminate remaining SSOs and Unauthorized CSOs, including identification of projects completed in the previous calendar year, status of projects underway as of the end of the calendar year, status of projects scheduled for implementation during the new calendar year, and identification of any anticipated delay in the schedule and the reasons therefore, and all steps that have been taken, or will be taken, to minimize or eliminate the anticipated delay;
 - b. Respondent's progress in implementing its MOM program, and
 - c. An inventory of all SSOs and Unauthorized CSOs occurring in the previous calendar year, identifying the dates, sources, estimated volumes, receiving waters and principal pollutants contained in the discharges, accompanied by a copy of a press release that Respondent must issue to inform the public of the availability of the inventory on Respondent's principal webpage.

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

- d. The Respondent must submit the Discharge Monitoring Reports and CSO reports provided to OEPA to EPA.

The annual reports must be postmarked by January 31 of the year following the year of acceptance of this agreement, and submitted to the Water Enforcement and Compliance Branch Chief at the address provided in Paragraph 1, above.

GENERAL PROVISIONS

- A. Issuance of this Order shall not be deemed an election by the EPA to forego any civil or criminal administrative or judicial action to seek civil penalties, fines, or other appropriate relief (including injunctive relief) under the Act for the violations set forth in the Findings or future violations that Respondent might commit.
- B. Issuance of this Order does not affect the EPA's authority to seek additional information under Section 308 of the Act, 33 U.S.C. § 1318, or otherwise affect the EPA's ability to enforce the Permit or enforce or implement the Clean Water Act.
- C. In evaluating whether to initiate any future civil or administrative enforcement action or whether to seek additional information under Section 308 of the Act, EPA may (but is not required to) consider the extent to which Respondent has complied with the terms of this Order; including, but not limited to, the extent to which Respondent has submitted an approvable OERP, MOM Program or Amended Munn's Run schedule, and/or the extent to which Respondent has incorporated EPA comments on any OERP, MOM Program and Amended Munn's Run Schedule proposed by Respondent.
- D. Respondent agrees that the EPA has jurisdiction to issue this Order.
- E. Respondent neither admits nor denies liability for the violations identified in Paragraph G above, but waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

fact or law set forth in the Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

F. Failure to comply with the terms of this Order on Consent may result in Respondent's liability for significant statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA in a district court of competent jurisdiction, the district court may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the Act as described above and failed to comply with the term of this Order. In determining the amount of a any penalty the court will consider the seriousness of Respondent's violations, Respondent's economic benefit (if any) resulting from the violations, any history Respondent may have of such violations, any good faith efforts Respondent has made to comply with the applicable requirements, the economic impact the penalty may have upon the Respondent, and such other matters as justice may require..

G. Respondent's compliance with this Order on Consent is not conditioned on the receipt of any federal, state or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any applications for the same.

H. Respondent reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violations of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.

I. This Order on Consent shall become effective upon the signature of the parties.

Date: _____

David Malone
Mayor, City of Portsmouth

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

Tinka G. Hyde
Director, Water Division

Date: _____

Desai, Sudhir

Subject: Portsmouth ACO Conference call
Location: R5Metcalfe-ConfRm-R1516/R5-Metcalfe---15th-Floor;
Start: Mon 7/8/2013 12:00 PM
End: Mon 7/8/2013 1:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Desai, Sudhir
Required Attendees: Barbara VanTil; Witte, Jennifer; Foster, Scott

Here is the proposed agenda for the conference call.

1. Discussion about the ACO in light of Malone's request and Duncan's response
2. ACO changes
3. 3. Next call

We will originate the call.

Thank you.

Sudhir
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, July 08, 2013 7:58 AM
To: Vantil, Barbara; Foster, Scott; Witte, Jennifer
Subject: RE: Council Letter for AOC for Monday July 8

Hi Barbara,

It works for me. We will originate the call.

Thx.

Sudhir,

-----Original Message-----

From: Vantil, Barbara
Sent: Monday, July 08, 2013 7:56 AM
To: Foster, Scott; Desai, Sudhir; Witte, Jennifer
Subject: RE: Council Letter for AOC for Monday July 8

How about 1 Eastern/12 Central?

-----Original Message-----

From: Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]
Sent: Wednesday, July 03, 2013 2:41 PM
To: Vantil, Barbara
Subject: FW: Council Letter for AOC for Monday July 8

For some reason it kicked back so I am forwarding it to you.

-----Original Message-----

From: Foster, Scott
Sent: Wednesday, July 03, 2013 3:39 PM
To: 'David Malone'; rduncan1@falcon1.net; Desai.Sudhir@epamail.epa.gov; Barbara.Vantil@epamail.epa.gov; Witte, Jennifer
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssurgill@zoomnet.net
Subject: RE: Council Letter for AOC for Monday July 8

Mayor Malone:

The Ohio EPA and USEPA have scheduled an internal conference call for Monday the 8th of July to discuss the proposed changes to the AOC. We will inform the city as soon as possible to our decision. You have a great holiday as well.

Sincerely,

Scott Foster
Environmental Specialist 2
Division of Surface Water
Southeast District
Ohio EPA
740-380-5227
scott.foster@epa.ohio.gov

-----Original Message-----

From: David Malone [<mailto:DMalone@portsmouthoh.org>]
Sent: Wednesday, July 03, 2013 2:46 PM
To: rduncan1@falcon1.net; Desai.Sudhir@epamail.epa.gov; Barbara.Vantil@epamail.epa.gov;
Witte, Jennifer; Foster, Scott
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssurgill@zoomnet.net
Subject: RE: Council Letter for AOC for Monday July 8

Ladies & Gentlemen,

In reviewing the timeframe for executing engineering agreements for the design of the 25th & Coles Retention Basin and design of the 2300 Block of Grandview Avenue Storage Projects (Pages 10 & 11), I notice the date in the DAO is 9/1/2013 for both projects. This will not allow us time to solicit proposals from prospective consultants, review the proposals and have three readings before enacting the required legislation as requested by Council.

In order to meet our commitments as required by Ohio and Council, the date for execution of the two engineering agreements will have to be no earlier than October 15, 2013.

Rick, as I asked on numerous occasions and, to comply with Council's wish, please prepare an advertisement to solicit qualifications from professional engineering firms as soon as possible to meet this requirement.

Thank all of you for your time and commitment to this process. Everyone have a great holiday and weekend as well.

My Very Best,

Mayor David Malone

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, July 03, 2013 10:31 AM
To: David Malone
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.
Subject: Council Letter for AOC for Monday July 8

Mayor,

Attached are the Council Letter we discussed yesterday and a revised AOC which would accompany the Council Letter.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, July 04, 2013 11:37 AM
To: Vantil, Barbara
Subject: FW: Council Letter for AOC for Monday July 8

Hi Barbara,

I now have read Rick Duncan and Mayor Malone's emails. It is important that we seek a clarification from Mayor Malone. We need to confirm if the City is seeking the extension of time. Rick and Mayor should resolve their differing recommendations among themselves.

It appears to me Rick is trying to indicate that \$5 M is the only commitment City will be hold accountable. I think it should be made clear that Phase II projects are going to cost many folds than the first phase. The clarity will certainly help the council to understand the issues more clearly.

It will be more productive to come to the office on Monday and discuss with you and the team in person rather than on a conference call. So rather than working at home, I will be in the office on Monday. I will take my day off on Tuesday.

Thank you and have a happy July 4th. Going to fire works in Chicago?

Sudhir

From: David Malone <DMalone@portsmouthoh.org>
Sent: Wednesday, July 03, 2013 1:46 PM
To: rduncan1@falcon1.net; Desai, Sudhir; Barbara.Vantil@epamail.epa.gov; jennifer.witte@epa.state.oh.us; scott.foster@epa.state.oh.us
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net
Subject: RE: Council Letter for AOC for Monday July 8

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Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 03, 2013 8:01 PM
To: sudhirvdesai@aol.com
Subject: FW: Council Letter for AOC for Monday July 8

From: David Malone
Sent: Wednesday, July 03, 2013 1:46 PM
To: rduncan1@falcon1.net; Desai, Sudhir; Barbara.Vantil@epamail.epa.gov;
jennifer.witte@epa.state.oh.us; scott.foster@epa.state.oh.us
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; [ssturgill@zoomnet.net](mailto:sssturgill@zoomnet.net)
Subject: RE: Council Letter for AOC for Monday July 8

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Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, July 03, 2013 6:40 PM
To: Vantil, Barbara
Subject: FW: Council Letter for AOC for Monday July 8

Hi Barbara,

The request by the Mayor needs some discussion amongst ourselves.

I think for engineering contracts one needs to provide a 30 day notice to the public. Dennis DeNiro from DEFA had mentioned that Portsmouth must advertise for the bids and must provide 30 day time frame for the action. So I think Mayor's request should be considered in this light. We should talk about this matter next Monday.

Sudhir

From: David Malone
Sent: Wednesday, July 03, 2013 1:46 PM
To: rduncan1@falcon1.net; Desai, Sudhir; Barbara.Vantil@epamail.epa.gov; jennifer.witte@epa.state.oh.us; scott.foster@epa.state.oh.us
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net
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Thank all of you for your time and commitment to this process. Everyone have a great holiday and weekend as well.

My Very Best,

Mayor David Malone

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, July 03, 2013 10:31 AM
To: David Malone
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.

Subject: Council Letter for AOC for Monday July 8

Mayor,

Attached are the Council Letter we discussed yesterday and a revised AOC which would accompany the Council Letter.

Richard Duncan, P.E.

Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir on behalf of 8712E94896F54FFB874E25E8E1CD997D-SDESAI02
Sent: Friday, June 28, 2013 12:56 PM
To: Jackson, Mery
Subject: Accepted: FOIA 101

Hi Mery,

Thank you for the refresher course. I plan to attend the training.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 5:08 PM
To: Vantil, Barbara
Subject: RE: Portsmouth, OH

Barbara,

Mike Shaw's wife is suffering from the serious disease. That is why he is not spending time at the WWTP. She is C. Patient.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 3:15 PM
To: Vantil, Barbara
Subject: Portsmouth, OH

Hi Barbara,

I heard from Scott that Mr. Mike Shaw, Chief Operator of Portsmouth plant is no longer coming to take care of the Lawson Run Treatment Plant. There is no Class IV operator on site. This is a serious issue, if it is right.

Scott, Jennifer you and I should go to the plant site to look at the Operator's log. If this is true, Portsmouth is in violation of its permit.

Scott would like to have a lunch at Pizza Hut on July 2, 2013 at 11:30 AM in Portsmouth. We have been to this Pizza Hut before. Does it work for you? I think I can meet my calory quota.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 3:15 PM
To: Vantil, Barbara
Subject: Portsmouth, OH

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Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 2:40 PM
To: Desai, Sudhir; Vantil, Barbara; 'Foster, Scott'; 'Witte, Jennifer'; rduncan1@falcon1.net; David Malone; Perdomo, Susan
Subject: FW: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara, Mayor Malone, Rick, Jennifer, Scott and Sue

Here is the proposed agenda for our July 2, 2013 meeting at 1 PM eastern time/12 pm central time in Mayor's office. Please share the agenda with your team members.

I will appreciate if Mayor Malone and or Rick can provide the call in number for the EPA's attorney Susan Perdomo to participate.

Agenda

1. Munn's Run Project work (Duncan- 15 min.- Status report on the project)
2. Lawson Run Sewer Walk through project (Duncan- 15 min.- Walkthrough Findings/Discussion)
3. Upper Grandview work (Duncan-15 min.- Project Status Update)
- 4 ACO Discussion (30 min. -EPA/OEPA and Portsmouth):
-Changes requested by Portsmouth

Thank you.

Sudhir Desai
Telephone number: 312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 12:56 PM
To: Vantil, Barbara
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

Barbara,

Thank you for your comments/suggestions. I tweak the agenda now. Please look at it again. please see the corrected agenda at the end of this message.

Since ACO covers the MOM, I thought not to make this matter as an agenda item. Status of various projects should cover the details about each one of them. No need to clarify any further. Once we have a call in number for Sue from the City, she can call or Portsmouth can call her in. I could not confirm who will call since Rick and Mayor needed time to hammer out the logistics.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 26, 2013 12:08 PM
To: Desai, Sudhir
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

I thought you had confirmed with Sue that she would be calling in??

If you reread the agenda, there are two number 5s. Also, even though we may want to discuss something, that doesn't always mean it's appropriate for putting into the agenda explicitly. Please take a look at the agenda, consider my comments, and let me know what you would change on the agenda.

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 11:37 AM
To: Vantil, Barbara
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Please review the agenda so I can email them today.

Thank you.

sudhir
From: Desai, Sudhir
Sent: Monday, June 24, 2013 8:57 AM
To: Vantil, Barbara
Subject: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Here is the proposed agenda for Portsmouth meeting next Tuesday, July 2, 2013 at 1 pm in Portsmouth. Please review the agenda and let me know your feedback. Rick Duncan has promised to provide a conference room for the meeting. He has not indicated who others will attend from the City Council, if any. We had two city Council members during the last meeting as you may recall (Kevin Johnson and Steve Sturgill).

I think since the attorney for the City (Haas) and their outside legal counsel (DeMonte) are going to be present, it will be a good idea to have Susan Perdomo via conference call. Just a thought for you to consider.

Thank you.

Sudhir

Agenda

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- 4 ACO Discussion (30 min. -EPA/OEPA and Portsmouth):
-Chnages requested by Portsmouth

Desai, Sudhir

From: Desai, Sudhir
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To: Vantil, Barbara
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

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3. Upper Grandview work (Duncan-15 min.- has the tentative date has been set for the project, who will present the project, technical details and drawing available for bidding, how data will be transferred to EPA/OEPA and when)
4. Downspout Disconnection project report (Duncan- 10 min.- Any additional feedback from the residents, number of requests received for consultation with the City)
5. Discussion about MOM and other plans (Duncan- 15 min- when will the process begin to prepare MOM, who will prepare it, etc.)
5. ACO comments/concerns (30 min.EPA/OEPA and Portsmouth):
 - Status of info requested by City Council
 - Timelines moving toward signature
 - Ramifications if ACO is not signed
 - Why additional time is needed for the projects (what is ready and what items Portsmouth is working on now, who is working on the issues)

Desai, Sudhir

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3. Upper Grandview work (Duncan-15 min.- has the tentative date has been set for the project, who will present the project, technical details and drawing available for bidding, how data will be transferred to EPA/OEPA and when)
4. Downspout Disconnection project report (Duncan- 10 min.- Any additional feedback from the residents, number of requests received for consultation with the City)
5. Discussion about MOM and other plans (Duncan- 15 min- when will the process begin to prepare MOM, who will prepare it, etc.)
5. ACO comments/concerns (30 min.EPA/OEPA and Portsmouth):
 - Status of info requested by City Council
 - Timelines moving toward signature
 - Ramifications if ACO is not signed
 - Why additional time is needed for the projects (what is ready and what items Portsmouth is working on now, who is working on the issues)

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 9:22 AM
To: Scott Foster
Subject: FW: conference call Portsmouth, OH/June 12, 2013

fyi

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 9:15 AM
To: David Malone
Cc: rduncan1@falcon1.net; Vantil, Barbara; Perdomo, Susan
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Good Morning Mayor Malone,

Thank you for your follow up response to my request.

I am waiting for the changes the City would like us to consider before finalizing the Administrative Order on Consent.

Your prompt follow up will help all of us.

Thank you.

Sudhir Desai
312/886-6704

From: David Malone
Sent: Tuesday, June 25, 2013 5:06 PM
To: Desai, Sudhir
Cc: Duncan, Rick
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Mr. Desai,

I have no agenda items for discussion at this time. I do look forward to our meeting together. We will be meeting in my office, if not in the conference room adjacent to my office. Should there be anything that you will need from me prior to our meeting, please let me know.

Thank you, Sir!

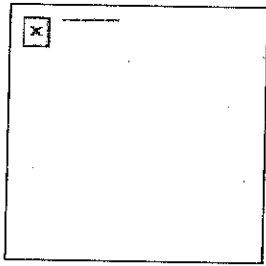
David A. Malone

Mayor

728 Second Street Rm 1

Portsmouth, Ohio 45662

Ph. (740)354-8807 - Fx. (740)354-8809



From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]
Sent: Wednesday, June 19, 2013 4:15 PM
To: David Malone
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Good Afternoon Mayor Malone,

Rick has confirmed today our meeting with the City on July 2, 2013 at 1:00 PM eastern time to discuss the proposed Administrative Order on Consent. I am developing the meeting agenda for the meeting that I plan to share with you. Please let me know if you have any agenda items that you would like to discuss during this meeting. Do we meet at your City Hall office? Please let me know.

Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced
into the EPA network. EPA is deleting all computer program attachments
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rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 26, 2013 9:16 AM
To: David Malone
Cc: rduncan1@falcon1.net; Vantil, Barbara; Perdomo, Susan
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Good Morning Mayor Malone,

Thank you for your follow up response to my request.

I am waiting for the changes the City would like us to consider before finalizing the Administrative Order on Consent.

Your prompt follow up will help all of us.

Thank you.

Sudhir Desai
312/886-6704

From: David Malone
Sent: Tuesday, June 25, 2013 5:06 PM
To: Desai, Sudhir
Cc: Duncan, Rick
Subject: RE: conference call Portsmouth, OH/June 12, 2013

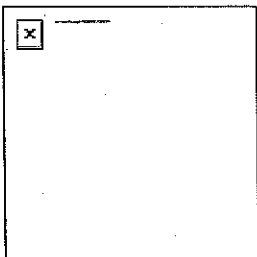
Mr. Desai,

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Thank you, Sir!

David A. Malone

Mayor
728 Second Street Rm 1
Portsmouth, Ohio 45662
Ph. (740)354-8807 - Fx. (740)354-8809



From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]
Sent: Wednesday, June 19, 2013 4:15 PM
To: David Malone
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Good Afternoon Mayor Malone,

Rick has confirmed today our meeting with the City on July 2, 2013 at 1:00 PM eastern time to discuss the proposed Administrative Order on Consent. I am developing the meeting agenda for the meeting that I plan to share with you. Please let me know if you have any agenda items that you would like to discuss during this meeting. Do we meet at your City Hall office? Please let me know.

Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

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rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 11:01 PM
To: Vantil, Barbara; Perdomo, Susan
Cc: Prichard, Gary
Subject: RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Hi Susan and Barbara,

Thank you. I like the approach.

Sudhir

From: Vantil, Barbara
Sent: Monday, June 24, 2013 4:34 PM
To: Perdomo, Susan; Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Thanks for following up, Sue. Sounds like a plan.

Barbara

-----Original Message-----

From: Perdomo, Susan
Sent: Monday, June 24, 2013 4:33 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Prichard, Gary
Subject: RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Sudir and Barbara - Portsmouth's attorney contacted me late this afternoon to let me know that she will be attending the July 2 meeting by telephone. I told her that it is my understanding that the meeting has been scheduled to discuss technical issues, such as the revised milestone dates in the AOC, and that I did not intend to actively participate. In the event a legal matter/issue arises, I told her that we would table the discussion until the two of you were back in the office to discuss and that we would provide a response after the three of us met. Jessica agreed with this strategy. Thanks, Sue

-----Original Message-----

From: Desai, Sudhir
Sent: Friday, June 21, 2013 3:23 PM
To: Vantil, Barbara
Cc: Perdomo, Susan
Subject: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Hi Barbara,

Rick Duncan called me this afternoon. He stated that he will arrange a conference room for our July 2, 2013 meeting at 1 pm with the City.

He met with their attorney Jessica DeMonte(sp.) and Kris Ruggles today. They plan to propose new dates for the projects in our proposed ACO. He will share City's proposal with us some times next week. He stated that the following personnel will be at the meeting:

1. Mayor Malone
2. John Hess, City Solicitor
3. Jessica DeMonte, City's outside attorney
4. Kris Ruggles, Strand
5. Rick Duncan, City of Portsmouth

If we agree with his changes, Rick plans to put forward his ACO proposal before the City Council meeting on July 8, 2013. Rick thinks there may be a few more City Council readings before the final decision is made regarding the ACO.

The discussion lasted about 10 min. He can be reached at 740/353-0241.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 10:59 PM
To: Vantil, Barbara
Subject: RE: Portsmouth, OH/Question

Thank you Barbara.

Sudhir

From: Vantil, Barbara
Sent: Monday, June 24, 2013 4:35 PM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH/Question

We can't say he can't come.

From: Desai, Sudhir
Sent: Monday, June 24, 2013 4:33 PM
To: Vantil, Barbara
Subject: Portsmouth, OH/Question

Hi Barbara,

As you may recall, Rick Duncan plans to invite Kris Ruggles of Strand to attend our July 2, 2013 ACO meeting with the City. We had requested Rick Duncan that the meeting be between the City, attorneys and the regulators. Do you want to allow Strand folks at the meeting? I have serious reservations about allowing them because we plan to talk some issues that are beyond the engineering aspects of the projects. Just a thought for you to consider.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 4:33 PM
To: 'Barbara VanTil'
Subject: Portsmouth, OH/Question

Hi Barbara,

As you may recall, Rick Duncan plans to invite Kris Ruggles of Strand to attend our July 2, 2013 ACO meeting with the City. We had requested Rick Duncan that the meeting be between the City, attorneys and the regulators. Do you want to allow Strand folks at the meeting? I have serious reservations about allowing them because we plan to talk some issues that are beyond the engineering aspects of the projects. Just a thought for you to consider.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 3:03 PM
To: 'scanter@enveng.com'
Subject: Portsmouth, OH FOIA Request

Hi Steve,

I just wanted to confirm that you have already received the package from the EPA. Pl. let me know if you have not received it.

Thx.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 10:34 AM
To: Perdomo, Susan
Subject: FW: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad
Attachments: Sciotoville NPDES permit.pdf; Portsmouth fact sheet 012213v4 FINAL.doc; Draft Administrative Order on Consent_013013.docx; Portsmouth fact sheet 012213v4 EDITED.doc; Portsmouth NPDES permit.pdf

Hi Sue,

Here is the information that will give you information related to the case.

Thank you.

Sudhir

From: Sudhir Desai [mailto:Desai.Sudhir@epamail.epa.gov]
Sent: Monday, June 24, 2013 10:01 AM
To: Desai, Sudhir
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Sudhir V. Desai, Environmental Engineer
Water Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Mail Code: WC-15J
77 West Jackson Boulevard
Chicago, Illinois 60604
Tel: (312) 886-6704
Fax: (312) 692-2981
E-Mail: desai.sudhir@epa.gov

----- Forwarded by Sudhir Desai/R5/USEPA/US on 06/24/2013 10:01 AM -----

From: Barbara VanTil/R5/USEPA/US
To: Jennifer Ostermeier/R5/USEPA/US@EPA, r5websupport@EPA,
Cc: Gary Prichard/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA, Dean Maraldo/R5/USEPA/US@EPA
Date: 01/30/2013 06:31 PM
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Jennifer - here are the docs for the website. The fact sheet was approved by OPA, but it hasn't been run by the RA yet.

Thanks!

Barbara

1. Draft Administrative Order on Consent (AOC)

(See attached file: Draft Administrative Order on Consent_013013.docx)

2. Fact Sheet

see below

3. Ohio Water Pollution Control Loan Fund Nomination Form

The City is getting a more recent version from the state. We should have this Friday morning.

4. National Pollutant Discharge Elimination System (NPDES) permits

(See attached file: Portsmouth NPDES permit.pdf)(See attached file: Sciotoville NPDES permit.pdf)

----- Forwarded by Barbara.VanTil/R5/USEPA/US on 01/30/2013 02:53 PM -----

From: Peter Cassell/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Barbara VanTil/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Phillippa Cannon/R5/USEPA/US@EPA
Date: 01/30/2013 02:43 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

There was a spacing error still. This is final.

(See attached file: Portsmouth fact sheet 012213v4 FINAL.doc)

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

☞ Peter Cassell--01/30/2013 02:42:02 PM---Please use this fact sheet.

From: Peter Cassell/R5/USEPA/US
To: Barbara VanTil/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA,
Cc: Phillippa Cannon/R5/USEPA/US@EPA
Date: 01/30/2013 02:42 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Please use this fact sheet.

(See attached file: Portsmouth fact sheet 012213v4 EDITED.doc)

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

▼ Mike Rogers---01/30/2013 01:49:45 PM---Since it appears the fact sheet is going to be online only, I left the hyperlinks in. However, if th

From: Mike Rogers/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Phillippa Cannon/R5/USEPA/US
Date: 01/30/2013 01:49 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Since it appears the fact sheet is going to be online only, I left the hyperlinks in. However, if there are going to be hard copies of the fact sheet, then someone must remove all the hyperlinks, as I did in the ad. Let me know if you have any questions.

[attachment "Portsmouth AOC Ad v.1-22-13 EDITED.docx" deleted by Peter Cassell/R5/USEPA/US] [attachment "Portsmouth fact sheet 012213v4 EDITED.docx" deleted by Peter Cassell/R5/USEPA/US]

▼ Peter Cassell---01/30/2013 12:44:23 PM---Can you review these materials? Very similar to the last for Hamilton County. _____

From: Peter Cassell/R5/USEPA/US
To: Mike Rogers/R5/USEPA/US@EPA,
Date: 01/30/2013 12:44 PM
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Can you review these materials? Very similar to the last for Hamilton County.

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

----- Forwarded by Peter Cassell/R5/USEPA/US on 01/30/2013 12:44 PM -----

From: Barbara VanTil/R5/USEPA/US
To: Barbara VanTil/R5/USEPA/US@EPA,
Cc: Dean Maraldo/R5/USEPA/US@EPA, Gary Prichard/R5/USEPA/US@EPA, Jeff Kelley/R5/USEPA/US@EPA, Peter Cassell/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA
Date: 01/30/2013 11:35 AM
Subject: Re: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Peter - as you've likely seen, Tinka did approve this. The draft ad and fact sheet are attached below. How long do you think it will take to get John or Mike to look at this?

I also have 5 documents I need to get to Jeff for the webpage.

Thanks - Barbara

Barbara VanTil---01/28/2013 07:34:57 AM---Hi, Peter - here's a draft fact sheet and ad for the Portsmouth Public Comment Period. Tinka should

From: Barbara VanTil/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Gary Prichard/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA, Jeff Kelley/R5/USEPA/US@EPA, Dean Maraldo/R5/USEPA/US@EPA
Date: 01/28/2013 07:34 AM
Subject: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Peter - here's a draft fact sheet and ad for the Portsmouth Public Comment Period. Tinka should be approving this to move forward today, and is likely speaking with the RA at Senior Staff. I'll need to get Jeff the docs to attach in a separate email. It's not that long a list...

We would like to start this on Friday if we can make that work. There's a long and complicated history with this case, which we really don't want to go into in our public comment docs. Sudhir, please check with Dean mid-morning to see if he's heard from Tinka. OPA will want to have her on board before they'll start on this.

I'm off most of today, but can be reached at 219-902-7028 if needed. I'll also be back on my computer around 4:30 or so.

Thanks, all - Barbara

[attachment "Portsmouth AOC Ad v.1-22-13.docx" deleted by Mike Rogers/R5/USEPA/US] [attachment "Portsmouth fact sheet 012213v4.docx" deleted by Mike Rogers/R5/USEPA/US]

Application No. OH0027201

Issue Date: October 9, 2012

Effective Date: November 1, 2012

Expiration Date: October 31, 2017

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Portsmouth
(Sciotoville WWTP)

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Sciotoville WWTP wastewater treatment works located at 5808 E Front St, Sciotoville, Ohio, Scioto County and discharging to Ohio River in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Scott J. Nally
Director

Total Pages: 31

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPC00018001. See Part II, OTHER REQUIREMENTS, for the locations of both the permitted outfall and the location to sample/monitor the effluent.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations					Monitoring Requirements		
	Parameter	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day Grab All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day Grab All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Day Grab All
00530 - Total Suspended Solids - mg/l	-	-	45.0	30.0	-	103	68.2	2/Week 24hr Composite All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10.0	-	-	-	-	-	-	1/Month Grab All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	2/Week 24hr Composite All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Month 24hr Composite All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month 24hr Composite All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month 24hr Composite All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1/Quarter Grab Quarterly
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter 24hr Composite Quarterly
01220 - Chromium, Dissolved Hexavalent ug/l	-	-	-	-	-	-	-	1/Quarter Grab Quarterly

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly			
Parameter							
31616 - Fecal Coliform - #/100 ml	-	-	400	200	2/Week	Grab	Summer
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	2/Week	Grab	Winter
50050 - Flow Rate - MGD	-	-	-	-	1/Day	24hr Total	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	1/Day	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	1/Quarter	Grab	Quarterly
80082 - CBOD 5 day - mg/l	-	-	40.0	25.0	2/Week	24hr Composite	All

Notes for station OPC00018001:

_* Effluent loadings based on average design flow of 0.6 MGD.

- Free cyanide - See Part II, Item L
 - Total Residual Chlorine - See Part II, Items F and I.
- monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported because there is no discharge or for any other reason, see Part II, Item J for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).

Part I, B. - SANITARY SEWER OVERFLOW (SSO) MONITORING/REPORTING REQUIREMENTS

1. Sanitary Sewer Overflow (SSO) Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall report SSO's as station number OPC00018300 , and report to the Ohio EPA in accordance with the following table.

Table - SSO Monitoring - 300 - Final

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months		
Parameter	Maximum Minimum	Weekly Monthly	Weekly Monthly	Monthly	1/Month	Total	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-

NOTES for Station Number 300:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. These overflows shall be monitored when they discharge.
- For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number in the first column of the first day of the month on the 4500 form or the appropriate day on the DMR. If there are no overflows during the entire month, report "zero" (0) on the 4500 form or check the "No Discharge" box at the top of the DMR.
- All sanitary sewer overflows are prohibited except under emergency conditions where the overflow occurs in full compliance with all of the provisions of 40 CFR 122.41(m) and Part III Item 11 of this NPDES permit.
- See Part II, Item O for additional requirements.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPC00018586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
51129 - Sludge Fee Weight - dry tons	-	-	-	-	1/Year	Total	December

Notes for Station Number OPC00018586:

Monitoring is required when sewage sludge is removed from the permittee's facility for disposal in a mixed solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a mixed solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

- If no sewage sludge is removed from the Permittee's facility for disposal in a mixed solid waste landfill during the year:

- 1) eDMR users should select the No Discharge check box on the data entry form. PIN the eDMR.
- 2) Permittees reporting on paper should report "AL" in the first column of the first day of December on the 4500 Form. Sign the form.

- Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

- See Part II, Item K.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPC00018588, and report to the Ohio EPA in accordance with the following table. DO NOT REPORT "0" or any other text or numbers in the spaces. A signature is still required.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
70316 - Sludge Weight - Dry Tons	-	-	-	-	1/Year	Total	December

NOTES for Station Number OPC00018588:

-Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

- If no sewage sludge is removed from the Permittee's facility for transfer to another NPDES permit holder during the year:

- 1) eDMR users should select the No Discharge check box on the data entry form. PIN the eDMR.
- 2) Permittees reporting on paper should report "AL" in the first column of the first day of December on the 4500 Form. Sign the form.

- Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

- See Part II, Item K.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

1. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number OPC00018601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for the location to sample/monitor the influent.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly
00400 - pH - S.U.	-	-	-	-	-	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	24hr Composite	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	24hr Composite	All

NOTES for Station Number OPC00018601:

Part II, Other Requirements

A. Operator Certification Requirements

1. Classification

- a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facility at this facility shall be classified as a Class II facility.
- b. All sewerage (collection) systems that are tributary to this treatment works are Class II sewerage systems in accordance with paragraph (B)(1)(a) of rule 3745-7-04 of the Ohio Administrative Code.

2. Operator of Record

- a. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.
- b. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works as defined in Part II, Item A.1 of this NPDES permit.
- c. Within three days of a change in an operator of record, the permittee shall notify the Director of the Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found at the following website:

http://www.epa.ohio.gov/portals/28/Documents/opcert/Operator_of_Record_Notification_
- d. Within 60 days of the effective date of this permit, the permittee shall notify the Director of Ohio EPA of the operators of record on a form acceptable to Ohio EPA.
- e. The operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency.

f. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.

3. Minimum Staffing Requirements

a. The permittee shall ensure that the treatment works operator of record is physically present at the facility in accordance with the minimum staffing requirements per paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code or the requirements from an approved 3745-7-04(C) minimum staffing hour reduction plan.

b. Sewerage (collection) system Operators of Record are not required to meet minimum staffing requirements in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

c. If Ohio EPA approves a reduction in minimum staffing requirements based upon a facility operating plan, any change in the criteria under which the operating plan was approved (such as enforcement status, history of noncompliance, or provisions included in the plan) will require that the treatment works immediately return to the minimum staffing requirements included in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

B. Descriptions of the location of the permitted discharge outfalls and required sampling/monitoring stations are as follows:

Permitted Outfall or Other Sampling/ Monitoring Station	Description of Permitted Outfall or Other Sampling/ Monitoring Location
0PC00018001	Final effluent discharge to Ohio River. Samples to be taken
"	after dechlorination
"	(Lat: 38 N 45 ' 24"; Long: 82 W 53 ' 23")
0PC00018300	SSO Monitoring
0PC00018586	Sludge to Landfill
0PC00018588	Sludge removed from facility and transported to the Portsmouth
"	Lawson Run WWTP.
0PC00018601	Raw sewage influent.

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

D. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's monitored wastestream during the monitoring period.

E. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's monitored wastestream.

F. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

G. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

H. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

I. Tracking of Group 4 Parameters

A preliminary effluent limit (PEL) has been provided below for parameters with a projected effluent quality (PEQ) equivalent to or exceeding seventy-five percent of the PEL. In accordance with rule 3745-33-07(A)(2) of the Ohio Administrative Code, the permittee must report in writing, any effluent concentration sample result greater than the PEL values listed below to Ohio EPA, Southeast District Office. Written notification must be submitted within 30 days of an effluent concentration sample result that exceeds the PEL and must detail the reasons why the PEL has been exceeded and the expectation of continued levels above the PEL.

Parameter	PEL
Chlorine, Total mg/l	0.050 mg/l

The permittee must reduce discharge levels to below the PEL if either of the following conditions are met:

1. The maximum detected concentration per month is greater than the maximum PEL for four or more months during a consecutive six month period; or
2. The thirty-day average for any pollutant is greater than the average PEL for two or more months during a consecutive six month period; and

If the permittee cannot reduce discharge levels below the PEL within six months after either of conditions 1 or 2 above are met, the permittee may request to modify the permit to contain a compliance schedule. This request shall contain justification for the additional time necessary to reduce discharge levels.

J. Monitoring/Reporting Requirements and Reporting Codes for Monitoring/Sampling Stations.

1) If there is no discharge during the month:

- a) If using form 4500, report "AL" in the first column of the first day of the month. The AL code is only valid for DMRs submitted on paper using form 4500. Do not report "0" for flow or use any other reporting codes other than "AL".
- b) If using e-DMR, DO NOT USE THE "AL" CODE or any other code or report "0" for flow. If no discharge occurred for the full monitoring period, select the "No Discharge" check box at the top of the e-DMR form and enter "No discharge during the month" in the Remarks Section.
Sign or PIN the DMR.

2) If there are no discharges on one or more required monitoring days during the month:

- a) Enter the required monitoring data for the days when a discharge occurred;
- b) For each required monitoring day there was no discharge, do not enter "0" for flow. Enter code "AC" for each parameter for each monitoring day the facility was not discharging.

3) If no sample is taken on a required monitoring day, use these codes if applicable:

- a) Use the "AN" or the "AH" codes. Use the "AN" code to indicate when samples are not collected on days that the facility is not normally staffed. The use of this code is limited to Saturdays, Sundays, and officially recognized municipal holidays if the treatment plant is not normally staffed on those days and staff are needed for sampling. This code is only acceptable for parameters that are sampled daily, but cannot be used if continuous monitoring and recording is used, e.g. flow metering, continuous pH or temperature monitoring. For parameters sampled at a lesser frequency, the sampling date should be moved to a date when the facility is staffed. Enter code "AN" for each parameter for each monitoring day the facility was not staffed.

b) Use the "AH" code when a required sample is not taken for a reason other than one covered by another "A" code. An explanation as to why the sample was not taken must be entered as a Specific Comment for that parameter and date on eDMR or in the Remarks Section of the form 4500. Enter code "AH" for each parameter for each monitoring day a sample was not taken.

c) Data Substitution Codes (a.k.a. "A Codes") used on the Monthly Discharge Monitoring Report form or eDMR are as follows:

AA - Below Detectable Limit
AB - Analytical Data Lost
AC - Facility Not Discharging (or No Sludge Hauled)
AD - Automatic Analyzer Out of Service
AE - Analytical Data Not Valid
AF - Sample Site Inaccessible Due to Flooding or Freezing
AH - Sample Not Taken, Explanation Included
AJ - Above Range of Automatic Analyzer
AK - Biological Sample Too Numerous to Count
AL - No Discharge For the Month
AN - Sample Not Taken, Plant Not Normally Staffed (Saturdays, Sundays, and Holidays)

More detailed information about the A Codes is available at:

www.epa.state.oh.us/LinkClick.aspx?fileticket=5vr4U3Jt65A%3d&tabid=3425&mid=6479

4) More information about eDMR is at:

www.epa.state.oh.us/dsw/edmr/eDMR.aspx

K. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code and any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

No later than January 31 of each calendar year, the Permittee shall submit two (2) copies of a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, and one copy of the report shall be sent to the Ohio EPA Southeast District Office. The report shall be submitted on Ohio EPA Form 4229.

Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be from Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation, using the edition which is current on the issuance date of the permit. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

L.. It is understood by Ohio EPA that at the time permit OPC00018*FD becomes effective, an analytical method is not approved under 40 CFR 136 to comply with the free cyanide monitoring requirements included in the permit. The permittee shall utilize method 4500-CN I in the 18th, 19th or 20th edition of Standard Methods.

M. Mercury Information for Next Renewal Application

Based on an evaluation of mercury data for outfall OPC00018001 collected using either Method 1631 or Method 245.7, the permittee shall submit one of the following to Ohio EPA with the next renewal application.

- a) A letter stating that the discharge is able to comply with the water quality standard for mercury for average criteria of 12 ng/l.
- b) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards for mercury without the construction of expensive end-of-pipe controls, a variance from the mercury water quality standards is available under paragraph (D)(10) of rule 3745-33-07. If the permittee determines it is eligible, it may submit an application for coverage under this mercury variance. Paragraphs (D)(10)(a) and (b) of rule 3745-33-07 include information on eligibility for coverage and list the information that must be included in the application; or
- c) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards, and it is not eligible for coverage under the mercury variance available at paragraph (D)(10) of rule 3745-33-07, it may submit an application for an individual variance from water quality standards. Paragraph (D)(1-3) of rule 3745-33-07 provides information on the applicability and conditions of an individual variance. Paragraph (D)(4) of the rule list the information that must be included in the application. Applications submitted under this item shall be sent to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH 43216

N. The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the influent and effluent mercury monitoring requirements of this permit.

O. Sanitary Sewer Overflow Reporting

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. All SSOs are prohibited. Sewage in basements is not an SSO that needs to be reported per item 1. below.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx.

2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

a) Discharge Monitoring Reports (DMR)

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your Discharge Monitoring Reports (DMR). You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form or DMR for station number 300.

b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

- (i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.
- (ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.
- (iii) A table that summarizes the occurrence of water in buildings (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year to the appropriate Ohio EPA district office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH, 43216-1049. You also must provide adequate notice to the public of the availability of the report.

Systems serving fewer than 10,000 people are not required to prepare an annual report if all DMRs for the preceding calendar year show no discharge from overflows.

An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx.

P. Not later than 4 months from the effective date of this permit, the permittee shall properly maintain and post a permanent sign on the stream bank at each discharge outfall that is regulated under this NPDES permit where a sign does not currently exist.

1. The sign shall consist at a minimum of the name of the permittee and facility to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height.
2. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible.
3. If the outfall is normally submerged the sign shall indicate that.
4. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.
5. The Director may alter the dimension requirements of the signs, to provide more information and better legibility. In addition, the Director may alter the compliance time to install the sign due to weather conditions, or other considerations, that would cause a delay in getting signs posted.

Q. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent untreated or partially treated discharges of wastewater to the waters of the state, surface of the ground, basements, homes, buildings, etc. The permittee shall also operate under the Ohio EPA approved "Operations and Maintenance Manual" for the facility.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For partnerships - a general partner;
3. For a sole proprietorship - the proprietor; or,
4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMRpin.aspx>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

D. Regardless of the submission method, a paper copy of the submitted Ohio EPA 4500 DMR shall be maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The limit(s) that has been exceeded;
- c. The extent of the exceedance(s);
- d. The cause of the exceedance(s);
- e. The period of the exceedance(s) including exact dates and times;
- f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
- g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

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Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The time(s) at which the discharge occurred, and was discovered;
- c. The approximate amount and the characteristics of the discharge;
- d. The stream(s) affected by the discharge;
- e. The circumstances which created the discharge;
- f. The name and telephone number of the person(s) who have knowledge of these circumstances;
- g. What remedial steps are being taken; and,
- h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and,
5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

DRAFT ADMINISTRATIVE ORDER ON CONSENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:	)	DOCKET NO. V-W-12-AO-
)	
CITY OF PORTSMOUTH, OHIO	)	PROCEEDING UNDER SECTIONS
	)	308 AND 309(a) OF
RESPONDENT	)	THE CLEAN WATER ACT

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tinka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

DEFINITIONS

All terms used, but not defined, in this Order have the meanings provided to them in the Act and EPA regulations promulgated under the Act.

"Combined Sewer Overflow" or "CSO" means any discharge from any outfall identified in Respondent's National Pollutant Discharge Elimination System (NPDES) permits as a CSO.

"Combined Sewer System" or "CSS" shall mean the portion of Respondent's Sewer System designed to convey municipal sewage and stormwater runoff through a single-pipe system to Respondent's wastewater treatment plants.

"Non-System-Caused Release" means any wastewater release that is caused by backups, blockages, flow conditions, or malfunctions in a building lateral, other piping or conveyance system that is not owned or operationally controlled by the Respondent.

"Release" shall mean a Non-System-Caused Release, SSO or Unauthorized CSO.

"Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Sanitary Sewer System, including building/property backups, but excluding Non-System-Caused Releases.

"Sanitary Sewer System" means the portion of the Respondent's Sewer System that is not part of the Combined Sewer System.

"Sewer System" shall mean the wastewater collection and transmission system owned or operated by Respondent designed to collect and convey municipal sewage (domestic, commercial and industrial) to Respondent's wastewater treatment plants or to a combined sewer overflow structure. "Sewer System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."

EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE ADMINISTRATIVE ORDER ON CONSENT

"Unauthorized Combined Sewer Overflow" or "Unauthorized CSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Combined Sewer System at a source not specifically identified in Respondent's NPDES permits as a CSO, including building/property backups, but excluding Non-System-Caused Releases.

FINDINGS

- A. Respondent is a political subdivision of the State of Ohio, and as such is a "person" for purpose of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- B. Respondent is the owner and operator of two municipal wastewater treatment plants (the Portsmouth WWTP and Sciotoville WWTP) in Portsmouth, Ohio, as well the Sewer System that feeds into those two treatment plants. Respondent discharged treated municipal sewage from outfalls at the two treatment plants, and untreated municipal sewage from outfalls in the Sewer System known as "combined sewer overflow" or "CSO" outfalls. These outfalls constitute "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- C. The point sources described above in Paragraph B discharge into the Ohio River and some of its tributaries. The Ohio River and its tributaries are "navigable waters" and "waters of the United States" as defined by Section 502(7) of the Act, U.S.C. § 1362(7) and its implementing regulation 40 C.F.R. § 122.2.
- D. Municipal sewage is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).
- E. On May 16, 2007, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act a National Pollutant Discharge Elimination System (NPDES) permit for the Sciotoville WWTP (Sciotoville Permit) and portions of Respondent's

EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE ADMINISTRATIVE ORDER ON CONSENT

Sewer System, which continues to apply to Respondent. Parts I.B.1 and II.O of the Sciotoville Permit prohibit sanitary sewer overflows (SSOs). On June 25, 2009, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act an NPDES permit for the Portsmouth WWTP (Portsmouth Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Part II.F of the Portsmouth Permit prohibits sanitary sewer overflows (SSOs). Part III.2 of the Portsmouth Permit includes General Effluent Limitations applicable to discharge from Respondent's CSO outfalls. Part II.H of the Portsmouth Permit and Part II.B of the Sciotoville Permit require Respondent to "maintain in good working order and operate as efficiently as possible, the "treatment works" and "Sewer System" . . . to prevent untreated or partially treated discharges of wastewater to the waters of the state, surfaces of the ground, basements, homes, buildings, etc."

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

H. Pursuant to Section 308(a)(5)(A) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(5)(A), and having taken into account the seriousness of the violations and Respondent's financial limitations, and considering further that Respondent will undertake the measures set forth in the "Order on Consent" section of this document in order to work toward achieving compliance with the requirements described in Paragraph E, the EPA finds that the schedule set forth in the Order

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE
ADMINISTRATIVE ORDER ON CONSENT**

on Consent is a reasonable one for the Respondent to work toward achieving compliance with those requirements.

ORDER ON CONSENT

Based on the foregoing Findings and pursuant to the authority of Section 308 and 309(a)(3) of the Act, IT IS HEREBY ORDERED AND AGREED THAT:

Respondent shall take the measures below in accordance with the schedule specified below.

1. Respondent must immediately begin forwarding to EPA, at the following address, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013*LD regarding all CSO and SSO occurrences:

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013*LD. For the Sciotoville WWTP, all the information is required under Parts I.B and II.O of NPDES Permit No. OPC00018*ED.

2. Respondent shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include but not be limited to:
 - a. providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System;
 - b. continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System;
 - c. taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs;
 - d. providing public education regarding potential risks associated with exposure to pollutants associated with any SSO or Unauthorized CSO; and

EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE ADMINISTRATIVE ORDER ON CONSENT

- e. implementing the nine minimum controls, which are technology-based actions or measures to reduce CSOs and their effects on receiving water quality.
3. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall implement a procedure to report all Releases. This procedure shall include:
- a. E-mail and/or Oral notification to the OEPA (sedo24hournpdes@epa.state.oh.us, or telephone number: 1-800-686-7330) and the City Health Department (telephone number: 740-354-3241), as appropriate, within twenty-four hours of learning of the Release. Verbal notification will include location of the Release, the receiving water, if any, and an estimate of the volume of the Release.
 - b. A written report to the OEPA (with a copy to EPA) within five (5) calendar days of the date Respondent became aware of the Release. The written report shall contain:
 - i. the location of the Release;
 - ii. the receiving water, if any;
 - iii. an estimate of the volume of the Release;
 - iv. a description of the sewer component from which the Release occurred (e.g., manhole);
 - v. the estimated date and time when the Release began and stopped or will be stopped;
 - vi. the cause or suspected cause of the Release;
 - vii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Release and, if applicable, a schedule of major milestones for those steps; and
 - viii. steps taken or planned to mitigate the impact(s) of the Release and a schedule of milestones for those steps; and
 - ix. name and title of person reporting the Release.
4. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit for EPA approval an Overflow Emergency Response Plan (OERP) that identifies measures to mitigate the impacts of any SSOs and/or Unauthorized CSOs and protect public health and the environment. In addition to the reporting and notification program described in Paragraph 3, above, this plan shall include but not be limited to:
- a. a mechanism to ensure that Respondents are made aware of all SSOs and/or Unauthorized CSOs;
 - b. establishing and implementing procedures to ensure responses to SSOs and/or Unauthorized CSOs, including ensuring that reports of SSOs and/or Unauthorized CSOs are immediately dispatched to personnel for investigation and response;
 - c. establishing and implementing procedures to ensure that personnel are aware of and follow the Overflow Emergency Response Plan and are trained; and

Field Code Changed

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- d. establishing and implementing emergency operations procedures.
- 5. EPA may approve in writing the OERP or, if EPA determines that Respondent's proposed OERP is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed OERP in response to EPA's corrective comments, and resubmit the proposed OERP to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA of the OERP, Respondent shall implement the approved OERP.
- 6. Within 180 calendar days of receipt of this Order, Respondent must prepare a Sewer Systems Management, Operation and Maintenance (MOM) Program for all parts of its Sewer System; and submit a written description of its MOM program to EPA for approval. The MOM program will demonstrate how Portsmouth will provide proper management, operation and maintenance of the gravity sewer lines, force mains, pump stations, and other equipment associated with its Sewer System; minimize Sewer System failures, such as wastewater backups into buildings, and discharges from the Sewer System; maximize flow to the WWTPs; and provide maximum feasible treatment to all sewer flows. The Program shall be in accordance with EPA's January 2005 "Guide for Evaluating Capacity, Management, Operation and Maintenance Programs" (EPA 305-B-05-002), and EPA's May 1995 "Combined Sewer Overflows Guidance for Nine Minimum Controls" (EPA 832-B-95-003). Respondents must implement the MOM program beginning within 30 calendar days after approval by EPA. The OERP shall be incorporated into the MOM program. The MOM shall include, but not be limited to, the following:
 - a. A description of Portsmouth's existing Sewer Systems maintenance program, including a detailed map of the Sewer System;
 - b. A description of the maintenance level of effort, by activity, to be carried out, the frequency of inspection and line cleaning activities for each Sewer Basin, and a description of how maintenance activities focus on the areas of the Sewer Systems most in need of attention;
 - c. A plan and schedule (not to exceed 5 years from the beginning of implementation of the MOM program) for the implementation of an initial system inventory and condition assessment;
 - d. Provisions for cleaning and televising, within 5 years of the effective date of this Order, all Sewer segments less than 18 inches in diameter that have been in service for more than 20 years;
 - e. Plans and schedules for the routine inspection of the Sewer Systems in accordance with the following minimum requirements:

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- i. routine inspection of all manholes, including all manholes that are entered for purposes of cleaning, inspection, or other routine maintenance activities;
 - ii. closed circuit television (CCTV) inspection sewer segments not previously inspected by CCTV within 30 days after the occurrence of an SSO or Unauthorized CSO in a location not already scheduled for repairs or improvements under this Order;
 - iii. routine inspection of all Pump Stations;
 - iv. routine inspection of structures critical to the operation of the Sewer System, including regulators, overflow weirs, tide gates, catch basins, etc.
 - f. Provisions for evaluating and removing sources of Rainfall-derived Infiltration and Inflow into Sewer Systems;
 - g. Procedures for ensuring that new sewer segments and connections are properly designed and constructed (including testing of new sewer segments installations) and procedures for ensuring that rehabilitation projects are properly designed and constructed to prevent SSOs, Unauthorized CSOs, and new connections of storm water inflow;
 - h. Procedures for maintaining all Pump Stations in good working order, including but not limited to:
 - i. routine cleaning of pump station wet wells;
 - ii. maintaining backup power capability;
 - i. A description of the capabilities of Portsmouth's record keeping and/or data management system and the degree to which it is currently used to manage Sewer Systems maintenance data, including sample outputs such as routine work schedule summaries and work orders;
 - j. A description of current and proposed Sewer Systems maintenance staffing levels (both planned and actual), organizational structure, equipment and other resources dedicated to Sewer Systems maintenance;
 - k. A description of Portsmouth's current and proposed spare parts inventory, and how critical spare parts were identified;
 - l. Provisions for insuring that the maximum flow is transported to the WWTPs prior to discharging from any CSOs and that CSO discharges are minimized.
7. EPA may approve in writing the MOM Program or, if EPA determines that Respondent's proposed MOM Program is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed MOM Program in response to EPA's corrective comments, and resubmit the proposed MOM Program to EPA for written approval within 45 calendar days after receipt thereof. Upon

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written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

Activity	Date
Execute Construction Contract for North Moreland Sewer Lining Project	Completed
Complete Construction of North Moreland Sewer Lining Project	07/15/2013
Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA	05/01/2013
Complete Construction of North Moreland Manhole Rehabilitation project	12/31/2013

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

Activity	Date
Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs	No later than 60 days after conclusion of the monitoring period
Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs	No later than 60 days after EPA's written approval of the Amended Schedule

10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.
11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

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Activity	Date
Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project.	Completed
<u>Downspout Disconnection Program</u> : Issue letters to private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary Sewer System.	Completed
Complete verification of downspout disconnection status of 47 downspouts.	4/1/13
Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.	6/1/13
Provide written completion report to EPA and the OEPA within 30 days of completion of the project.	
<u>25th and Coles Street Retention Basin Project</u> : Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project	4/1/13
Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA	6/1/13
Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA	10/1/13
Complete construction of 25th and Coles Street Retention Basin Project	10/1/14
<u>2300 Block of Grandview Project</u> : Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	Completed
Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA	6/1/13
Submit application for Permit to Install to Ohio EPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to EPA	10/1/13
Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to EPA and OEPA	10/1/13
Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to EPA and OEPA	12/31/13

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Complete construction of 2300 Block of Grandview Avenue Storage Project	3/31/15
Perform post-construction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects in eliminating Releases. Performance shall be evaluated during a demonstration period of two years, and will include: 1) analysis of release data generated through implementation of the approved OERP; 2) measurement of the effectiveness at eliminating releases during severe storm events; and 3) demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.	Upon completion of demonstration period.

12. Respondent must comply with the following schedule for the Lawson Run Projects:

Activity	Date
Conduct visual inspection of Lawson Run Sewer.	04/01/2013
Execute Engineering Agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to EPA and OEPA	6/1/13
Advertise for bids for TV Assessment of large diameter and tunnel sewers and submit a copy of such advertisement to EPA and OEPA	8/1/13
Complete TV of Lawson Run Connections	12/31/13
Submit Part I of Feasibility Report to EPA and OEPA - condition assessment of Lawson Run and existing connections, and proposed approach to separation.	2/28/14
Submit Part II of Feasibility Report to EPA and OEPA - costing of traditional gravity separation projects and alternative separation approaches.	5/31/14
Submit Part III of Feasibility Report to EPA and OEPA - recommended approach to potential Lawson Run projects including necessary headworks/influent modifications.	8/31/14
Address EPA comments and Submit Final Feasibility Report	Within 30 days of receipt of EPA Comments

13. Portsmouth shall submit bimonthly progress reports on the progress it has made on implementing the activities and capital improvement projects discussed in paragraphs 8-12. For each project, the following information should be provided:

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- Name of the activity and/or project and activity/project description
- Section of the ACO under which the activity/project is initiated
- Start date of the activity/project
- Milestones for each activity/project, description of the milestone and percent project completed
- Expected outcome of the activity/project
- Technical design drawings of the project (required to be submitted only once for each project)
- Basis of cost estimation and any assumptions for deriving project cost, engineering calculations
- Project cost, proposed and actual, and copies of change work orders for the project
- Personnel responsible for managing the project, titles
- Deviation from the project, rationale for the deviation, what will be the project outcome
- Project end date

The bimonthly progress report shall also include a Gantt chart illustrating projected start, interim and finish dates for all of the projects discussed in paragraphs 8-12. For each monthly progress report, the Gantt chart shall be updated to reflect the projected start, interim and finish dates as they exist as of the date of the bimonthly progress report. To the extent that any Gantt chart is different from the Gantt chart that had been provided in the previous bimonthly report, Portsmouth shall provide an explanation for why the Gantt chart has been changed.

14. Commencing immediately, Respondent will prepare annual reports for submission to EPA. The annual report will convey the following information:
 - a. Respondents' progress on completing the projects described in the original implementation schedule, or the amended schedule, whichever is in effect, for Sewer System rehabilitation/replacement work to eliminate remaining SSOs and Unauthorized CSOs, including identification of projects completed in the previous calendar year, status of projects underway as of the end of the calendar year, status of projects scheduled for implementation during the new calendar year, and identification of any anticipated delay in the schedule and the reasons therefore, and all steps that have been taken, or will be taken, to minimize or eliminate the anticipated delay;
 - b. Respondent's progress in implementing its MOM program, and
 - c. An inventory of all SSOs and Unauthorized CSOs occurring in the previous calendar year, identifying the dates, sources, estimated volumes, receiving waters and principal pollutants contained in the discharges, accompanied by a copy of a press release that Respondent must issue to inform the public of the availability of the inventory on Respondent's principal webpage.

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- d. The Respondent must submit the Discharge Monitoring Reports and CSO reports provided to OEPA to EPA.

The annual reports must be postmarked by January 31 of the year following the year of acceptance of this agreement, and submitted to the Water Enforcement and Compliance Branch Chief at the address provided in Paragraph 1, above.

GENERAL PROVISIONS

- A. Issuance of this Order shall not be deemed an election by the EPA to forego any civil or criminal administrative or judicial action to seek civil penalties, fines, or other appropriate relief (including injunctive relief) under the Act for the violations set forth in the Findings or future violations that Respondent might commit.
- B. Issuance of this Order does not affect the EPA's authority to seek additional information under Section 308 of the Act, 33 U.S.C. § 1318, or otherwise affect the EPA's ability to enforce the Permit or enforce or implement the Clean Water Act.
- C. In evaluating whether to initiate any future civil or administrative enforcement action or whether to seek additional information under Section 308 of the Act, EPA may (but is not required to) consider the extent to which Respondent has complied with the terms of this Order; including, but not limited to, the extent to which Respondent has submitted an approvable OERP, MOM Program or Amended Munn's Run schedule, and/or the extent to which Respondent has incorporated EPA comments on any OERP, MOM Program and Amended Munn's Run Schedule proposed by Respondent.
- D. Respondent agrees that the EPA has jurisdiction to issue this Order.
- E. Respondent neither admits nor denies liability for the violations identified in Paragraph G above, but waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of

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fact or law set forth in the Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

F. Failure to comply with the terms of this Order on Consent may result in Respondent's liability for significant statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA in a district court of competent jurisdiction, the district court may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the Act as described above and failed to comply with the term of this Order. In determining the amount of a any penalty the court will consider the seriousness of Respondent's violations, Respondent's economic benefit (if any) resulting from the violations, any history Respondent may have of such violations, any good faith efforts Respondent has made to comply with the applicable requirements, the economic impact the penalty may have upon the Respondent, and such other matters as justice may require..

G. Respondent's compliance with this Order on Consent is not conditioned on the receipt of any federal, state or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any applications for the same.

H. Respondent reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violations of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.

I. This Order on Consent shall become effective upon the signature of the parties.

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ADMINISTRATIVE ORDER ON CONSENT**

David Malone
Mayor, City of Portsmouth

Date: _____

Tinka G. Hyde
Director, Water Division

Date: _____

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Application No. OH0027197

Issue Date: June 25, 2009

Effective Date: August 1, 2009

Expiration Date: January 31, 2014

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Portsmouth

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the combined sewer overflows from the collection system and the Portsmouth Wastewater Treatment Plant wastewater treatment works located at 2040 Charles Street, Portsmouth, Ohio, Scioto County and discharging to Ohio River in accordance with the conditions specified in Parts I, II, and III, IV, V, and VI of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Chris Korleski
Director

Total Pages: 57

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPD00013001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Parameter	Concentration	Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
		Maximum	Minimum	Weekly	Daily	Weekly	Monthly
00010 - Water Temperature - C		-	-	-	-	1/Day	Maximum
00300 - Dissolved Oxygen - mg/l		-	-	-	-	1/Day	Multiple Grab
00530 - Total Suspended Solids - mg/l		-	-	45	30	3/Week	24hr Composite
00552 - Oil and Grease, Hexane Extr Method - mg/l		10	-	-	246.03	1 / 2 Weeks	Grab
00610 - Nitrogen, Ammonia (NH3) - mg/l		-	-	-	-	3/Week	24hr Composite
00625 - Nitrogen Kjeldahl, Total - mg/l		-	-	-	-	1/Month	24hr Composite
00630 - Nitrite Plus Nitrate, Total - mg/l		-	-	-	-	1/Month	24hr Composite
00660 - Ortho Phosphate, Total - mg/l		-	-	-	-	1/Quarter	24hr Composite
00665 - Phosphorus, Total (P) - mg/l		-	-	-	-	1/Quarter	24hr Composite
01074 - Nickel, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01079 - Silver, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01094 - Zinc, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01113 - Cadmium, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01114 - Lead, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01118 - Chromium, Total Recoverable - ug/l		-	-	-	-	1/Quarter	24hr Composite
01119 - Copper, Total Recoverable - ug/l		36	-	-	0.886	1/Quarter	24hr Composite
01220 - Chromium, Dissolved Hexavalent - ug/l		-	-	-	-	1/Quarter	24hr Composite
31616 - Fecal Coliform - #/100 ml		-	-	2000	1000	3/Week	Grab

Winter

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Parameter	Concentration Maximum	Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
		Minimum	Weekly	Monthly	Daily	Weekly	Monthly
31616 - Fecal Coliform - #/100 ml		-	400	200	-	3/Week	Summer
50050 - Flow Rate - MGD		-	-	-	-	Continuous	All
50060 - Chlorine, Total Residual - mg/l		0.038	-	-	-	1/Day	All
50092 - Mercury, Total (Low Level) - ng/l		-	-	-	-	1/Month	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa		-	-	-	-	1/Year	May
61427 - Acute Toxicity, Pimephales promelas - TUa		-	-	-	-	1/Year	May
61941 - pH, Maximum - S.U.		9.0	-	-	-	1/Day	All
61942 - pH, Minimum - S.U.		-	6.5	-	-	1/Day	All
80082 - CBOD 5 day - mg/l		-	40	25	-	3/Week	All
		-	-	984.1	615.1	24hr Composite	

Notes for station OPD00013001:

- * Effluent loadings based on average design flow of 6.5 MGD.
- Total residual chlorine - See Part II, Item L.
- Mercury - See Part II, Item W and X.
- Actue Toxicity/Biomonitoring - See Part II, Item Z.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013002, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 002 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	1/Month	Grab
50050 - Flow Rate - MGD	-	-	-	-	-	When Disch.	24hr Total Estimate
80082 - CBOD 5 day - mg/l	-	-	-	-	-	1/Month	Grab
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	When Disch.	Total Estimate
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	When Disch.	Total Estimate

NOTES for Station Number OPD00013002:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013003, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 003 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily				Monthly
Parameter							
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013003:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013004, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 004 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013004:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013005, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 005 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013005:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013006, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 006 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013006:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013007, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 007 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Maximum	Minimum	Specified Units	Loading* kg/day Daily	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013007:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013008, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 008 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
Parameter							
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGID	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013008:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013009, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 009 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-
50050 - Flow Rate - MGD	-	-	-	-	-	-	-
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	-	-
80999 - Bypass Duration, Hours per month Hr/Month	-	-	-	-	-	-	-

NOTES for Station Number OPD00013009:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013010, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 010 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	When Disch.	24hr Total Estimate	All
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	When Disch.	Total Estimate	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	When Disch.	Total Estimate	All

NOTES for Station Number OPD00013010:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.
- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.
- If this station is monitored during a particular month, and there are no discharges during the entire month:
 - 1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.
- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- Overflow Volume shall be reported on each day there is a discharge through this station.
- See Part II, Item D and E.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013011, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 011 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Maximum	Concentration	Specified	Units	Measuring Frequency	Sampling Type	Monitoring Months
Parameter	Minimum	Monthly	Daily	Weekly	Monthly		
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	1/Month	Grab
50050 - Flow Rate - MGD	-	-	-	-	-	When Disch.	24hr Total Estimate
80082 - CBOD 5 day - mg/l	-	-	-	-	-	1/Month	Grab
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	When Disch.	Total Estimate
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	When Disch.	Total Estimate

NOTES for Station Number OPD00013011:

- The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. A Discharge Monitoring Report, or DMR (Form 4500) for this station must be submitted every month. See Part II, Items E and F for requirements on monitoring different CSO stations.

- If this station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the form.

- If this station is monitored during a particular month, and there are no discharges during the entire month:

1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks section. PIN the eDMR.

2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.

- Data for Overflow Occurrence and Overflow Volume may be estimated if a measuring device is not available.

- Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.

- Overflow Volume shall be reported on each day there is a discharge through this station.

- See Part II, Item D and E.

Part I, B. - SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00013300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Parameter	Concentration Specified	Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
74062 - Overflow Occurrence - No./Month		Maximum	Minimum	Weekly	Daily	Monthly	
		-	-	-	-	-	All

NOTES for Station Number OPD00013300:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. These overflows shall be monitored when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.

- For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number in the first column of the first day of the month on the 4500 form. If there are no overflows during the entire month, report "zero" (0).

- All sanitary sewer overflows are prohibited.

- See Part II, Items C and F.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPD00013586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Daily			
70316 - Sludge Weight - Dry Tons	-	-	-	-	1/Month	Total	All
70318 - Sludge Solids, Percent Total - %	-	-	-	-	1/Month	Grab	All

NOTES for Station Number OPD00013586:

- Monitoring is required when sewage sludge is removed from the permittee's facility for disposal in a mixed solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a mixed solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

- If no sewage sludge is removed from the Permittee's facility for disposal in a mixed solid waste landfill during the year:

- 1) eDMR users should select the "No Discharge" check box on the data entry form for December and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
- 2) Permittees reporting on paper should report "AL" in the first column of the first day of December on the 4500 Form. Sign the form.

- Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

- See Part II, Items P, Q, R, S and T.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

1. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number OPD00013601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Parameter	Maximum	Concentration Specified	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
		Minimum	Weekly	Daily	Weekly	Monthly	
00045 - Total Precipitation - Inches		-	-	-	-	-	1/Day
00400 - pH - S.U.		-	-	-	-	-	24hr Total
00530 - Total Suspended Solids - mg/l		-	-	-	-	-	1/Day
50047 - Flow, Peak Rate - MGD		-	-	-	-	-	Multiple Grab
80082 - CBOD 5 day - mg/l		-	-	-	-	-	24hr Composite
		-	-	-	-	-	Maximum
		-	-	-	-	-	3/Week
		-	-	-	-	-	24hr Composite

NOTES for Station Number OPD00013601:

- pH - report value closest to being outside the range of 6.5 S.U. to 9.0 S.U. or any value outside the range.

- See Part II, Item O.

Part I, C - Schedule of Compliance

Schedule to Prepare a Long Term Control Plan

This entity shall take the actions described below as expeditiously as practicable, but not later than the dates developed in accordance with the following schedule:

A. By September 1, 2006, the permittee shall develop and submit for approval to the Southeast District Office two copies of a Combined Sewer System Long-Term Control Plan (LTCP). The purpose of the plan is that discharges from combined sewer overflows shall not cause or contribute to violations of water quality standards or impairment of designated uses. If the contents of the long-term control plan are subject to review under 3745-1-05 (antidegradation), the plan will be public noticed as required in Section C of 3745-1-05. (Event code 53799 already in system from *JD permit)

The permittee shall coordinate closely with Ohio EPA during the development of the LTCP.

The plan shall address, as a minimum, the following:

1. The permittee shall characterize its collection system and overflows using the tools of monitoring and modeling, unless the permittee will propose a plan for complete sewer separation. If previous characterization and modeling has been done, this shall be updated. A monitoring program shall be proposed that provides adequate data to characterize and model the collection system and overflows; supports development and implementation of the minimum control measures; supports development and implementation of a long-term control plan; and allows the effectiveness of control measures to be evaluated.

Before modeling the permittee should discuss plans for modeling with Ohio EPA to ensure the modeling will be adequate for preparation of the LTCP.

Unless complete sewer separation is proposed, the plan may have to include a post-construction water quality monitoring program adequate to verify compliance with water quality standards and protection of designated uses as well as to ascertain the effectiveness of CSO controls. This water quality compliance monitoring program should include a plan to be approved by the Ohio EPA that details the monitoring protocols to be followed, including the necessary effluent and ambient monitoring and, where appropriate, other monitoring protocols such as biological assessments, whole effluent toxicity testing, and sediment sampling.

2. The permittee shall identify CSO discharges to State Resource Waters (OAC 3745-1-05), waters containing endangered species or their habitats, Bathing Waters [OAC 3745-1-07(B)(4)], and all surface waters within 500 yards of an existing public water supply intake and designate these discharges as the highest priority for elimination, relocation or treatment. Overflows to these waters shall be eliminated or relocated whenever physically and economically achievable, except when this would cause unacceptable water quality impacts elsewhere in the system. If elimination or relocation is not possible, then treatment must be provided that will result in attainment of water quality standards and designated uses.

3. The permittee shall identify CSO discharges to waters, including small, accessible urban streams, where there is a high probability for contact recreation, and develop controls to ensure that these waters attain the applicable water quality standards for bacteria. The potential for human health impacts, public input on the recreational value of the streams, and financial considerations should be used to prioritize controls for these streams.

The permittee shall develop and implement a significant notification program that informs the public of the possible health and environmental impacts associated with CSOs, and advises against contact recreation when elevated bacteria levels may endanger public health.

4. Unless the permittee will propose a plan for complete sewer separation, the permittee shall consider either the "presumption" or the "demonstration" approach included in U.S. EPA's National Combined Sewer Overflow Policy (April 19, 1994). Reduction of the number of untreated overflow events and reduction of both the frequency and duration of overflow events shall be evaluated as a control option and shall be implemented if it is cost effective, economically achievable, and does not cause new or significantly increased overflows elsewhere in the system. In addition to treatment of overflows, as part of CSO control, Ohio EPA expects communities to identify combined and separate sewer areas and to minimize the impact of existing and future separate sanitary flows on CSO discharges.

Steps to consider include: using express sewers to route sanitary flows around combined sewer overflow points; minimization of overflows on main interceptor sewers transporting combined sewage to treatment; reducing infiltration and inflow into the separate sewers. Communities also should consider ways to reduce storm water flow into combined sewers. Steps to consider include: diverting storm water away from the combined system (e.g, by constructing retention basins; removing inflow, such as roof drains); using catch basin flow restriction. Improvements to the existing central treatment facility to provide complete or partial treatment of sewage flow during wet weather shall be evaluated.

Special consideration must be given to CSO outfall 002, the Lawson Run CSO ahead of the treatment plant headworks. All sewage flow to the treatment plant must come down this large interceptor and this interceptor receives large volumes of stormwater. The permittee must evaluate alternatives to divert stormwater away from this interceptor so a higher percentage of combined sewage from other regulators and diversions in the collection system and from separate sewer areas can be diverted directly to the treatment works.

For the treatment plant, the permittee shall consider additions of primary treatment and disinfection capacity, a secondary treatment bypass, and other cost effective measures, such as retention basins, for the purpose of increasing the treatment of wet weather flows at the plant. Ohio EPA will evaluate these measures for approval during the Permit To Install process. Bypasses of secondary treatment must meet the requirements of 40 CFR 122.41(m) and with adequate documentation may be authorized in the NPDES permit.

The permittee and the public should meet early and frequently with the Ohio EPA throughout the long-term CSO control planning process. Development of the long-term plan should be coordinated with the review and appropriate revision of WQS and implementation procedures on CSO-impacted waters to ensure that the long-term controls will be sufficient to meet water quality standards.

5. For the collection system the permittee shall consider improvements to control floatable solids; screening; primary treatment and disinfection of overflows. If complete separation is proposed the permittee shall evaluate improvements to control floatable solids until separation is achieved.

6. Unless the permittee proposes complete sewer separation, the permittee shall conduct cost/performance analyses to determine where the increment of CSO abatement achieved diminishes compared to the increased costs.

The permittee shall evaluate costs for complete sewer separation and propose a schedule for this work. The permittee shall propose an implementation schedule for separation based on separating areas that have the most adverse impact on water quality.

7. The permittee should contact Ohio EPA and ORSANCO to discuss water quality standard revisions they believe would be appropriate based on community recreational use evaluations including the possibility of a relaxation of water quality standards for bacteria during wet weather. The development of the permittees' long-term control plans should be coordinated with the review and possible revision of water quality standards on CSO-impacted waters. If bacteria levels in the receiving stream(s) are affected by upstream sources the permittee shall discuss with Ohio EPA the need for a TMDL for bacteria to achieve WQS for bacteria.

The permittee is considered a "small community" under the USEPA CSO Strategy. In developing long-term CSO control plans based on the small system considerations the permittees is encouraged to discuss the scope of the long-term CSO control plan with the WQS authority and the NPDES authority. These discussions will ensure that the plan includes sufficient information to enable the permitting authority to identify the appropriate CSO

8. The permittee shall evaluate compliance status with the nine minimum controls and propose improvements for continued implementation of the nine minimum controls. The permittee shall also propose revisions to the Combined Sewer System Operational Plan necessary to implement the nine minimum controls and long term controls.

9. The permittee shall give the public affected by the development and implementation of the CSO control plan the opportunity to actively participate in the process. This includes participation in the evaluation and selection of controls, in determining the value that the community places on recreation opportunities that are impacted by CSO discharges, and in setting priorities for CSO control projects.

10. The permittee shall propose an implementation schedule based on consideration of the following: the relative magnitude of adverse impacts on water quality standards and designated uses, the community's financial capability, the relative cost/performance evaluations of individual projects, the priorities developed through public participation, and previous efforts to control CSOs.

11. When submitted, the long-term control plan shall be accompanied by a completed antidegradation addendum. To meet the information submittal requirements of antidegradation, the long-term control plan shall provide data and information that allow for examination of control alternatives, a review of the social and economic issues related to the plan, and fulfill other requirements of 3745-1-05(B)(2)(a) - (g). If implementation of the plan results in site-specific lowering of water quality, the director shall consider OAC 3745-1-05(C)(6)(a) - (m) when making a determination regarding the plan.

When the long term control plan is approved by the Director of Ohio EPA, the implementation schedule included in the plan shall be incorporated by reference as part of this permit, or this permit may be modified to incorporate the approved implementation schedule.

Part II, Other Requirements

A. Operator Certification Requirements

1. Classification

- a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facility at this facility shall be classified as a Class IV facility.
- b. All sewerage (collection) systems that are tributary to this treatment works are Class II sewerage systems in accordance with paragraph (B)(1)(a) of rule 3745-7-04 of the Ohio Administrative Code.

2. Operator of Record

- a. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.
- b. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works as defined in Part II, Item A.1 of this NPDES permit.
- c. Within three days of a change in an operator of record, the permittee shall notify the Director of the Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found at the following website:

http://www.epa.state.oh.us/ddagw/Documents/opcert/Operator_of_Record_Notification_F
- d. Within 60 days of the effective date of this permit, the permittee shall notify the Director of Ohio EPA of the operators of record on a form acceptable to Ohio EPA.
- e. The operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency.
- f. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.

3. Minimum Staffing Requirements

a. The permittee shall ensure that the treatment works operator of record is physically present at the facility in accordance with the minimum staffing requirements per paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code or the requirements from an approved 3745-7-04(C) minimum staffing hour reduction plan.

b. Sewerage (collection) system Operators of Record are not required to meet minimum staffing requirements in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

c. If Ohio EPA approves a reduction in minimum staffing requirements based upon a facility operating plan, any change in the criteria under which the operating plan was approved (such as enforcement status, history of noncompliance, or provisions included in the plan) will require that the treatment works immediately return to the minimum staffing requirements included in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.

C. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location	Receiving Stream
OPD00013001	Final effluent (Lat: 38N 43' 51"; Long: 82W 58' 28")	Ohio River
OPD00013586	Sludge removed from plant and disposed of at a licensed landfill.	
OPD00013588	Sludge transferred to another POTW in emergency	
OPD00013601	Raw sewage influent.	
OPD00013300	Sanitary Sewer Overflow (SSO) - any discharge from an overflow, spill, release, or diversion of wastewater from a sanitary sewer system.	

OPD00013002	Lawson Run CSO (Lat 38 deg 43' 51" Long 82 deg 58' 28")	Ohio River
OPD00013003	Mill St. LS overflow (Lat 38 deg 43' 45" Long 82 deg 59' 42")	Ohio River
OPD00013004	Front & Court St. LS overflow (Lat 38 deg 43' 48" Long 83 deg 00' 04")	Ohio River
OPD00013005	3rd & Madison LS overflow (Lat 38 deg 44' 03" Long 83 deg 00' 34")	Scioto River
OPD00013006	11th St. LS overflow (Lat 38 deg 44' 24" Long 82 deg 59' 59")	Scioto River
OPD00013007	17th St. LS overflow (Lat 38 deg 44' 41" Long 82 deg 59' 42")	Scioto River
OPD00013008	Ohio Power CSO (Lat 38 deg 45' 44" Long 82 deg 59' 31")	Scioto River
OPD00013009	29th St. CSO (Lat 38 deg 45' 26" Long 82 deg 59' 40")	Scioto River
OPD00013010	Marth Alley LS overflow (Lat 38 deg 44' 11" Long 82 deg 57' 24")	Ohio River
OPD00013011	Martha Alley & Buch St. CSO (Lat 38 deg 44' 32" Long 82 deg 56' 56")	Ohio River

D. The permittee shall monitor the combined sewer overflows at stations OPD00013002 through OPD00013011 and report to Ohio EPA in accordance with the provisions of Part I.B of this permit. The permittee shall set up a rotating schedule to monitor at least five (5) stations during each storm event.

E. Nine Minimum Controls

The entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

- (1) provide proper operation and maintenance for the collection system and the combined sewer overflow points;
- (2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing overflows;
- (3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows; or if there is no pretreatment program review and modify local programs to minimize the impact of nondomestic discharges from combined sewer overflows;
- (4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;
- (5) prohibit dry weather overflows;
- (6) control solid and floatable materials in the combined sewer overflow discharge;
- (7) conduct required inspection, monitoring and reporting of CSOs;
- (8) implement pollution prevention programs that focus on reducing the level of contaminants in CSOs; and
- (9) implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

F. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.state.oh.us/dsw/permits/technical_assistance.html.

2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

a) Monthly Operating Reports

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your monthly operating reports. You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form for station number 300.

b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

- (i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.
- (ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.
- (iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year to the appropriate Ohio EPA district office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH 43216-1049. You also must provide adequate notice to the public of the availability of the report.

Systems serving fewer than 10,000 people are not required to prepare an annual report if all monthly operating reports for the preceding calendar year show no discharge from overflows.

An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.state.oh.us/dsw/permits/technical_assistance.html.

G. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form..

H The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

- I. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.
- J. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- K. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.
- L. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL	ML
Chlorine, tot. res.	0.050 mg/l	--

This permit may be modified, or, alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

M. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must:

- 1) comply with all conditions of its NPDES permit,
- 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
- 3) satisfy corrective action requirements, and
- 4) meet all federal, state, and local pretreatment requirements.

N. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

O. Sampling for these parameters at station OPD00013001 and OPD00013601 shall occur the same day.

P. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

Q. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

R. No later than January 31 of each calendar year the Permittee shall submit two (2) copies of a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. The report shall be submitted on Ohio EPA Form 4229.

S. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be from the latest edition, Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: $\text{dry tons} = \text{gallons} \times 8.34 \text{ (lbs/gallon)} \times 0.0005 \text{ (tons/lb)} \times \text{decimal fraction total solids}$.

T. The Permittee is authorized to dispose of sewage sludge through transfer of the sewage sludge to another NPDES permit holder in an emergency. This station is included in the authorized list of stations in Part II of this permit, however, a table is not included in Part 1.B for this station. If the station is used in an emergency situation, the Permittee shall report the total amount of sludge taken to another facility on the Permittee's Annual Sludge Report. The permittee does not need to report sewage sludge transferred to another facility in an emergency on their Discharge Monitoring Report (DMR).

U. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

V. Not later than 4 months from the effective date of this permit, the permittee shall post a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit and discharges to the Ohio River and Scioto River. This includes final outfalls, bypasses, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water.

W. The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the effluent mercury monitoring requirements of this permit.

X. Mercury Information for Next Renewal Application

Ohio rules for implementing water quality standards [OAC 3745-2-08(L)] require that mixing zones for bioaccumulative chemicals of concern (BCCs) be phased out as of November 15, 2010. This means that dischargers will need to meet water quality standards at the discharge point for BCCs after that date. Mercury is considered a BCC.

1) Based on an evaluation of mercury data for outfall OPD00013001 collected using either Method 1631 or Method 245.7, the permittee shall submit one of the following to Ohio EPA with the next renewal application.

a) A letter stating that the discharge is able to comply with the water quality standard for mercury for average criteria of 12 ng/l.

b) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards for mercury without the construction of expensive end-of-pipe controls, a variance from the mercury water quality standards is available under paragraph (D)(10) of rule 3745-33-07. If the permittee determines it is eligible, it may submit an application for coverage under this mercury variance. Paragraphs (D)(10)(a) and (b) of rule 3745-33-07 include information on eligibility for coverage and list the information that must be included in the application; or

c) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards, and it is not eligible for coverage under the mercury variance available at paragraph (D)(10) of rule 3745-33-07, it may submit an application for an individual variance from water quality standards. Paragraph (D)(1-3) of rule 3745-33-07 provides information on the applicability and conditions of an individual variance. Paragraph (D)(4) of the rule list the information that must be included in the application.

Applications submitted under this item shall be sent to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

Y. Monitoring Report Name Change

The name of the monitoring reports required for each effluent table contained in this permit has been changed from "Monthly Operating Report" (MOR) to "Discharge Monitoring Report" (DMR). The circumstances requiring the submittal of a DMR remain the same as those which were required for an MOR. Form 4500 must be used for DMR submittal.

Z. BIOMONITORING PROGRAM REQUIREMENTS

As soon as possible but not later than 10 months after the effective date of this permit, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall OPD00013001.

General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency (hereinafter, the biomonitoring guidance"), Ohio EPA, 1991 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance, shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

Testing Requirements

1. Acute Bioassays

For the period of the entire permit cycle, the permittee shall conduct annual definitive acute toxicity tests using *Ceriodaphnia dubia* and fathead minnows (*Pimephales promelas*) on effluent samples from outfall OPD00013001. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

2. Data Review

a. Reporting

Following completion of each annual bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1., 2.H.2.a., 3.H.1., and 3.H.2.a. of the biomonitoring guidance. Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

TUa = Acute Toxic Units = $100/LC50$

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "not greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is found on the following web page:

<http://www.epa.state.oh.us/dsw/swims/eDMR/eDMR.html>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For partnerships - a general partner;
3. For a sole proprietorship - the proprietor; or,
4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<http://www.epa.state.oh.us/dsw/swims/eDMR/eDMRpin.html>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

D. Regardless of the submission method, a copy of the submitted Ohio EPA 4500 DMR must be signed by a Responsible Official or a Delegated Responsible Official and maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, a copy of the DMR can be printed from e-DMR.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The permittee submitted notices as required under paragraph D. of this section,

B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.state.oh.us/dsw/permits/permits.html>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The limit(s) that has been exceeded;
- c. The extent of the exceedance(s);
- d. The cause of the exceedance(s);
- e. The period of the exceedance(s) including exact dates and times;
- f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
- g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.state.oh.us/dsw/permits/permits.html>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The time(s) at which the discharge occurred, and was discovered;
- c. The approximate amount and the characteristics of the discharge;

- d. The stream(s) affected by the discharge;
 - e. The circumstances which created the discharge;
 - f. The name and telephone number of the person(s) who have knowledge of these circumstances;
 - g. What remedial steps are being taken; and,
 - h. The name and telephone number of the person(s) responsible for such remedial steps.
2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.
- C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.
- D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:
- 1. The compliance event which has been or will be violated;
 - 2. The cause of the violation;
 - 3. The remedial action being taken;
 - 4. The probable date by which compliance will occur; and,
 - 5. The probability of complying with subsequent and final events as scheduled.
- E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.
- F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.
13. RESERVED
14. DUTY TO MITIGATE
- The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
15. AUTHORIZED DISCHARGES
- All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan (plan) shall be developed to address each outfall that discharges to waters of the state that contains storm water associated with industrial activity. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. The plan for a storm water discharge associated with industrial activity:
 - a. shall be prepared within six months of the effective date of this permit (and updated as appropriate);
 - b. shall provide for implementation and compliance with the terms of the plan within twelve months of the effective date of this permit.
2. Upon a showing of good cause, the Director may establish a later date for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part VI, and be retained on-site at the facility which generates the storm water discharge.
2. The permittee shall make plans available upon request to the Ohio EPA Director, or authorized representative, or Regional Administrator of U.S. EPA, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
3. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.
4. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the Act. The permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2 and does not have to release any portion of the plan describing facility security measures (such as provided for in Part IV.D.7.b.(8) of this permit). An interested party wishing a copy of a discharger's SWP3 will have to contact the Ohio EPA to obtain a copy.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by Ohio EPA in the same manner as Part IV.B above.

D. Contents of Plan. The plan shall include, at a minimum, the following items:

1. **Pollution Prevention Team** - Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
2. **Description of Potential Pollutant Sources.** Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

a. Drainage.

- (1) A site map indicating an outline of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part IV.D.2.c of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle

and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

- (2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Flows with a significant potential for causing erosion shall be identified.

- b. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
 - c. Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility after the date of three years prior to the effective date of this permit.
 - d. Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility.
 - e. Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concerns shall be identified.
3. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- a. Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.
 - b. Preventive Maintenance - A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
 - c. Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

- d. Inspections - In addition to or as part of the comprehensive site evaluation required under Part IV.4. of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
 - e. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - f. Recordkeeping and Internal Reporting Procedures - A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
 - g. Non-Storm Water Discharges
 - (1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify in accordance with Part IV.A of this permit.
 - (2) Except for flows from fire fighting activities, sources of non-storm water listed in Part VI of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
 - h. Sediment and Erosion Control - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
 - i. Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Parts IV.D.2.(b), (d) and (e) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: including vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
4. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, except as provided in paragraph IV.D.4.d, in no case less than once a year. Such evaluations shall provide:
- a. Material handling areas and other potential sources of pollution identified in the plan in accordance with paragraph IV.D.2 of this permit shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

- b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph IV.D.2 of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph IV.D.3 of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
 - c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part VI.B of this permit.
5. Additional requirements for storm water discharges associated with industrial activity through municipal separate storm sewer systems serving a population of 100,000 or more.

In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions.
6. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the Act or Best Management Practices (BMP) Programs otherwise required by a NPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.
7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to SARA Title III, Section 313 requirements are not applicable to Section 313 water priority chemicals in gaseous or non-soluble liquid or solid [at atmospheric pressure and temperature] forms. In addition to the requirements of Parts IV.D.1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as "Section 313 water priority chemicals" in accordance with the definition in Part VI of this permit, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:
 - a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
 - (1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
 - (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind blowing.
 - b. In addition to the minimum standards listed under Part IV.D.7.a of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:
 - (1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.
 - (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
 - (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

- (2) Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
- (3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- (4) In facility areas where Section 313 water priority chemicals are transferred, processed or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall be designed as described in paragraphs (a), (b) and (c) of this section. Additional protection such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
- (5) Discharges from areas covered by paragraphs (1), (2), (3) or (4).
 - (a) Drainage from areas covered by paragraphs (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
 - (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
 - (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
 - (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Facility site runoff other than from areas covered by (1), (2), (3) or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3) or (4)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

- (7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage area shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or non-containment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or non-containment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.
 - (8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
 - (9) Training. Facility employees and contractor personnel using the facility shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
8. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile within two years of the effective date of this permit. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the State.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- A. Coal Pile Runoff Effluent Limitations.** Any discharge of coal pile runoff is authorized to discharge as of the effective date of this permit and shall comply with the following effluent limitations as expeditiously as practicable, but no later than three years after the effective date of this permit. Coal pile runoff shall not be diluted with storm water or other flow in order to meet these limitations.

Units	Parameter	Daily Minimum	Daily Maximum
mg/l	Total Suspended Solids	-	50
S.U.	pH	6.0	9.0

Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with 10 year, 24-hour rainfall event shall not be subject to the limitation for Total Suspended Solids. It is the permittee's responsibility to demonstrate to the Ohio EPA that a 10-year, 24-hour rainfall event has occurred and the volume of the overflow to which the Total Suspended Solids effluent limitation does not apply.

- B. Monitoring Requirements.** Only the activities described in the following matrix and associated definitions are required to conduct monitoring. The monitoring required in the following matrix shall be conducted annually. Monitoring shall be initiated within twelve months of the effective date of this permit and henceforth on an annual basis, weather conditions permitting. A permittee may, in lieu of annual monitoring, certify that industrial materials are not exposed to storm water; such certification shall be submitted to the Ohio EPA upon request of the Director.

1. MONITORING REQUIREMENTS MATRIX

Reporting Units	Parameter	INDUSTRIAL ACTIVITY CATEGORIES												
		a	b ^{1,2}	c	d	e	f	g	h	i ²	j	k	l ³	
mg/l	Oil and Grease		X	X	X	X	X	X	X	X	X	X	X	
mg/l	5-day Biochemical Oxygen Demand		X							X		X		
mg/l	Chemical Oxygen Demand		X	X	X	X	X		X	X			X	
mg/l	Total Suspended Solids		X		X	X	X	X	X	X	X	X	X	
mg/l	Total Kjeldahl Nitrogen			X								X		
mg/l	Phosphorus											X		
S.U.	pH		X	X	X	X	X	X	X	X	X	X	X	
TU ₁₅	Acute Toxicity													
Hours	Duration of Storm Event		X	X	X	X	X	X	X	X	X	X	X	
Inches	Precipitation		X	X	X	X	X	X	X	X	X	X	X	
Hours	Duration Between Storm Events*		X	X	X	X	X	X	X	X	X	X	X	
Gallons	Volume (est)		X	X	X	X	X	X	X	X	X	X	X	
mg/l	Nitrate-Nitrogen													
mg/l	Nitrite-Nitrogen													
ug/l	Lead, Total		X	X					X					
ug/l	Cadmium, Total		X ³	X										
ug/l	Copper, Total		X ³				X	X	X		X			
ug/l	Arsenic, Total		X ³	X			X							
ug/l	Chromium, Total		X ³	X			X							
mg/l	Ammonia													
ug/l	Magnesium, Total			X										

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

Reporting Units	Parameter	INDUSTRIAL ACTIVITY CATEGORIES											
		a	b ^{1,2}	c	d	e	f	g	h	i ²	j	k	l ²
ug/l	Magnesium, Dissolved			X									
mg/l	Total Dissolved Solids			X									
mg/l	Total Organic Carbon			X									
ug/l	Berium, Total			X									
mg/l	Cyanide, Total			X									
ug/l	Mercury, Total			X									
ug/l	Selenium, Total			X									
ug/l	Silver, Total			X									
ug/l	Pentachlorophenol				X								
ug/l	Nickel, Total							X			X		
ug/l	Zinc, Total							X			X		
#/100ml	Fecal Coliform											X	

- * Time between the storm event when sampling is being conducted and the last storm event producing rainfall greater than 0.1 inches.
- (1) and any pollutant limited in an effluent guideline or categorical pretreatment standard which the facility is subject.
- (2) and the primary ingredient used in the deicing materials used at the site (e.g., ethylene glycol, urea, etc.).
- (3) Facilities that are classified as SIC 33 only because they manufacture pure silicon and/or semiconductor grade silicon are not required to monitor for this parameter.

2. Industrial Activity Categories Definitions

- Section 313 of SARA Title III Facilities. As of the effective date of this permit, facilities with storm water discharges associated with industrial activity that are subject to requirements to report releases into the environment under Section 313 of SARA Title III for chemicals which are classified as 'Section 313 water priority chemicals' are not (as they may have been in a previous permit) required to monitor storm water that is discharged from the facility unless required by paragraphs V.B.2.b through B.2.l.
- Primary Metal Industries. Facilities with storm water discharges associated with industrial activity classified as Standard Industrial Classification (SIC) 33 (Primary Metal Industry) are required to monitor such storm water that is discharged from the facility.
- Land Disposal Units/Incinerators/BIFs. Facilities with storm water discharges associated with industrial activity from any active or inactive landfill, land application sites or open dump without a stabilized final cover that has received any industrial wastes from a facility with a Standard Industrial Classification (SIC) of between 20-39 (manufacturing); and incinerators (including Boilers and Industrial Furnaces (BIFs)) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA, are required to monitor such storm water that is discharged from the facility.
- Wood Treatment Using Chlorophenolic Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.
- Wood Treatment Using Creosote Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

- f. **Wood Treatment Using Chromium-Arsenic Formulations.** Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.
- g. **Coal Pile Runoff.** Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor such storm water that is discharged from the facility.
- h. **Battery Reclaimers.** Facilities with storm water discharges associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries are required to monitor such storm water that is discharged from the facility.
- i. **Airports.** At airports with over 50,000 flight operations per year, facilities with storm water discharges associated with industrial activity from areas where aircraft or airport deicing operations occur (including runways, taxiways, ramps, and dedicated aircraft deicing stations) are required to monitor such storm water that is discharged from the facility.
- j. **Coal-fired Steam Electric Facilities.** Facilities with storm water discharges associated with industrial activity from coal handling sites at coal fired steam electric power generating facilities (other than discharges in whole or in part from coal piles subject to storm water effluent guidelines at 40 CFR 423 - which are not eligible for coverage under this permit) are required to monitor such storm water that is discharged from the facility.
- k. **Animal Handling / Meat Packing.** Facilities with storm water discharges associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils, are required to monitor such storm water that is discharged from the facility.
- l. **Additional Facilities.** Facilities with storm water discharges associated with industrial activity that:
 - (1) come in contact with storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as SIC 30 (Rubber and Miscellaneous Plastics Products) or SIC 28 (Chemicals and Allied Products);
 - (2) are from those areas at automobile junkyards with any of the following: (A) over 250 auto/truck bodies with drivelines (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) are exposed to storm water; (B) over 500 auto/truck units (bodies with or without drivelines in whole or in parts) are stored exposed to storm water; or (C) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water;
 - (3) come into contact with lime storage piles that are exposed to storm water at lime manufacturing facilities;
 - (4) are from oil handling sites at oil fired steam electric power generating facilities;
 - (5) are from cement manufacturing facilities and cement kilns (other than discharges in whole or in part from material storage piles subject to storm water effluent guidelines at 40 CFR 411 - which are not eligible for coverage under this permit);
 - (6) are from ready-mixed concrete facilities; or
 - (7) are from ship building and repairing facilities;are required to monitor such storm water discharged from the facility.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

3. **Sample Type.** Take a minimum of one grab sample from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable.
4. **Sampling Waiver.** When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
5. **Representative Discharge.** When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. Toxicity Testing. Not Required.

- D. **Alternative Certification of "Not Present or No Exposure."** You are not subject to the analytical monitoring requirement of this part provided: you make a certification for a given outfall, or on a pollutant-by-pollutant basis in lieu of monitoring required under this part, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period; and your certification is signed in accordance with Attachment VI.G and retained in the SWP3. If you cannot certify for an entire period, you must note the date exposure was eliminated and perform any monitoring required up until that date.

Part VI. OTHER STORM WATER REQUIREMENTS, DEFINITIONS AND AUTHORIZATION

- A. Failure to Certify.** Any facility that is unable to provide the certification required under paragraph IV.D.3.g.(1) (testing for non-storm water discharges), must notify the Director within 180 days of the effective date of this permit. Such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible.
- B. Signatory Requirements.** See Part III.28.
- C. Definitions.**

"Section 313 water priority chemical" means a chemical or chemical categories which are: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the Act at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Definition of Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, 373;

Part VI. OTHER STORM WATER REQUIREMENTS, DEFINITIONS AND AUTHORIZATION (continued)

C. (continued)

- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity - This category of industrial activity is not regulated under this permit.
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)-(x)).

"SWPPP" means storm water pollution prevention plan to be completed as a condition of this permit (see Part IV of this permit).

"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 10:34 AM
To: Perdomo, Susan
Subject: FW: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad
Attachments: Sciotoville NPDES permit.pdf; Portsmouth fact sheet 012213v4 FINAL.doc; Draft Administrative Order on Consent_013013.docx; Portsmouth fact sheet 012213v4 EDITED.doc; Portsmouth NPDES permit.pdf

Hi Sue,

Here is the information that will give you information related to the case.

Thank you.

Sudhir

From: Sudhir Desai [mailto:Desai.Sudhir@epamail.epa.gov]
Sent: Monday, June 24, 2013 10:01 AM
To: Desai, Sudhir
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Sudhir V. Desai, Environmental Engineer
Water Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Mail Code: WC-15J
77 West Jackson Boulevard
Chicago, Illinois 60604
Tel: (312) 886-6704
Fax: (312) 692-2981
E-Mail: desai.sudhir@epa.gov

----- Forwarded by Sudhir Desai/R5/USEPA/US on 06/24/2013 10:01 AM -----

From: Barbara VanTil/R5/USEPA/US
To: Jennifer Ostermeier/R5/USEPA/US@EPA, r5websupport@EPA,
Cc: Gary Prichard/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA, Dean Maraldo/R5/USEPA/US@EPA
Date: 01/30/2013 06:31 PM
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Jennifer - here are the docs for the website. The fact sheet was approved by OPA, but it hasn't been run by the RA yet.

Thanks!

Barbara

1. Draft Administrative Order on Consent (AOC)

(See attached file: Draft Administrative Order on Consent_013013.docx)

2. Fact Sheet

see below

3. Ohio Water Pollution Control Loan Fund Nomination Form

The City is getting a more recent version from the state. We should have this Friday morning.

4. National Pollutant Discharge Elimination System (NPDES) permits

(See attached file: Portsmouth NPDES permit.pdf) (See attached file: Sciotoville NPDES permit.pdf)

----- Forwarded by Barbara VanTil/R5/USEPA/US on 01/30/2013 02:53 PM -----

From: Peter Cassell/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Barbara VanTil/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Phillippa Cannon/R5/USEPA/US@EPA
Date: 01/30/2013 02:43 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

There was a spacing error still. This is final.

(See attached file: Portsmouth fact sheet 012213v4 FINAL.doc)

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

▼ Peter Cassell--01/30/2013 02:42:02 PM--Please use this fact sheet.

From: Peter Cassell/R5/USEPA/US
To: Barbara VanTil/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA,
Cc: Phillippa Cannon/R5/USEPA/US@EPA
Date: 01/30/2013 02:42 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Please use this fact sheet.

(See attached file: Portsmouth fact sheet 012213v4 EDITED.doc)

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

☐ Mike Rogers---01/30/2013 01:49:45 PM---Since it appears the fact sheet is going to be online only, I left the hyperlinks in. However, if th

From: Mike Rogers/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Phillippa Cannon/R5/USEPA/US
Date: 01/30/2013 01:49 PM
Subject: Re: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Since it appears the fact sheet is going to be online only, I left the hyperlinks in. However, if there are going to be hard copies of the fact sheet, then someone must remove all the hyperlinks, as I did in the ad. Let me know if you have any questions.

[attachment "Portsmouth AOC Ad v.1-22-13 EDITED.docx" deleted by Peter Cassell/R5/USEPA/US] [attachment "Portsmouth fact sheet 012213v4 EDITED.docx" deleted by Peter Cassell/R5/USEPA/US]

☐ Peter Cassell---01/30/2013 12:44:23 PM---Can you review these materials? Very similar to the last for Hamilton County. _____

From: Peter Cassell/R5/USEPA/US
To: Mike Rogers/R5/USEPA/US@EPA,
Date: 01/30/2013 12:44 PM
Subject: Fw: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Can you review these materials? Very similar to the last for Hamilton County.

Pete Cassell
Press Officer
Office of External Communications
Office of the Regional Administrator
U.S. EPA, Region 5

77 West Jackson Blvd (P-19J)
Chicago, IL 60604-3590
Phone (312) 886-6234
Blackberry (312) 859-9614

----- Forwarded by Peter Cassell/R5/USEPA/US on 01/30/2013 12:44 PM -----

From: Barbara VanTil/R5/USEPA/US
To: Barbara VanTil/R5/USEPA/US@EPA,
Cc: Dean Maraldo/R5/USEPA/US@EPA, Gary Prichard/R5/USEPA/US@EPA, Jeff Kelley/R5/USEPA/US@EPA, Peter Cassell/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA
Date: 01/30/2013 11:35 AM
Subject: Re: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Peter - as you've likely seen, Tinka did approve this. The draft ad and fact sheet are attached below. How long do you think it will take to get John or Mike to look at this?

I also have 5 documents I need to get to Jeff for the webpage.

Thanks - Barbara

Barbara VanTil--01/28/2013 07:34:57 AM--Hi, Peter - here's a draft fact sheet and ad for the Portsmouth Public Comment Period. Tinka should

From: Barbara VanTil/R5/USEPA/US
To: Peter Cassell/R5/USEPA/US@EPA,
Cc: Gary Prichard/R5/USEPA/US@EPA, Sudhir Desai/R5/USEPA/US@EPA, Jeff Kelley/R5/USEPA/US@EPA, Dean Maraldo/R5/USEPA/US@EPA
Date: 01/28/2013 07:34 AM
Subject: ACTION NEEDED: Portsmouth OH Draft Fact Sheet and Ad

Hi, Peter - here's a draft fact sheet and ad for the Portsmouth Public Comment Period. Tinka should be approving this to move forward today, and is likely speaking with the RA at Senior Staff. I'll need to get Jeff the docs to attach in a separate email. It's not that long a list...

We would like to start this on Friday if we can make that work. There's a long and complicated history with this case, which we really don't want to go into in our public comment docs. Sudhir, please check with Dean mid-morning to see if he's heard from Tinka. OPA will want to have her on board before they'll start on this.

I'm off most of today, but can be reached at 219-902-7028 if needed. I'll also be back on my computer around 4:30 or so.

Thanks, all - Barbara

[attachment "Portsmouth AOC Ad v.1-22-13.docx" deleted by Mike Rogers/R5/USEPA/US] [attachment "Portsmouth fact sheet 012213v4.docx" deleted by Mike Rogers/R5/USEPA/US]



Proposed Agreement Would Reduce Number of Sewer Overflows

City of Portsmouth
Scioto County, Ohio

January 2013

Your opinion needed

The EPA invites the public to submit comments regarding the draft document that will help reduce overflows from Portsmouth's sewers.

The public comment period runs from Jan. 31 to March 1. There are four ways in which you can submit written statements:

- Visit the EPA's website:
www.epa.gov/region5/water/.
- Send an email to:
R5_portsmouth_comments@epa.gov.
- Fill out the enclosed comment form and mail it to:
Sudhir Desai
Environmental Engineer
Water Division
U.S. EPA Region 5 (WC-15J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590
- Send a fax to Desai at 312-692-2981.

Read the documents

The draft Administrative Order on Consent and other documents concerning Portsmouth sewer overflows are available on EPA's website at:
www.epa.gov/region5/water/.

The U.S. Environmental Protection Agency is considering entering into a legal agreement with the city of Portsmouth regarding overflows from the city sewer system. The agreement is in the draft version of a document known as a Clean Water Act Administrative Order on Consent, or AOC.

The AOC would require the city to reduce the release of raw sewage from the Portsmouth and Sciotoville sewer systems by taking these actions:

- Improve maintenance, operation and management of the sewer systems.
- Construct specific measures in the Munn's Run and Upper Grandview/Lawson Run sewer areas.
- Implement measures to keep stormwater from entering the sewer system, including downspout disconnection measures.

The order would also require development and implementation of plans for improved monitoring of the sewer systems, as well as plans for responding to overflows if they do occur. The order addresses the first phase of improvements to the sanitary and combined sewer collection systems.

Before EPA agrees to the proposed AOC, the Agency would like to have comments on the order from the public. EPA will consider all comments submitted. Comments must be provided in writing (*see box, left, for ways in which to comment*).

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 8:57 AM
To: Vantil, Barbara
Subject: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Here is the proposed agenda for Portsmouth meeting next Tuesday, July 2, 2013 at 1 pm in Portsmouth. Please review the agenda and let me know your feedback. Rick Duncan has promised to provide a conference room for the meeting. He has not indicated who others will attend from the City Council, if any. We had two city Council members during the last meeting as you may recall (Kevin Johnson and Steve Sturgill).

I think since the attorney for the City (Haas) and their outside legal counsel (DeMonte) are going to be present, it will be a good idea to have Susan Perdomo via conference call. Just a thought for you to consider.

Thank you.

Sudhir

Agenda

1. Munn's Run work (Duncan- 15 min.- Status report on the project, who will be presenting the project details, how data will be transferred to EPA/OEPA)
2. Lawson Run Sewer Walk through project (Duncan- 15 min.- Discussion on the actual conditions of the Lawson Run, walk through the pix discussion, etc.)
3. Upper Grandview work (Duncan-15 min.- has the tentative date has been set for the project, who will present the project, technical details and drawing available for bidding, how data will be transferred to EPA/OEPA and when)
4. Downspout Disconnection project report (Duncan- 10 min.- Any additional feedback from the residents, number of requests received for consultation with the City)
5. Discussion about MOM and other plans (Duncan- 15 min- when will the process begin to prepare MOM, who will prepare it, etc.)
5. ACO comments/concerns (30 min.EPA/OEPA and Portsmouth):
 - Status of info requested by City Council
 - Timelines moving toward signature
 - Ramifications if ACO is not signed
 - Why additional time is needed for the projects (what is ready and what items Portsmouth is working on now, who is working on the issues)

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 24, 2013 8:36 AM
To: Perdomo, Susan
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Sue,

FYI and per your request.

Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run . I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinriverscity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 1:51 PM
To: RDuncan1@falcon1.net
Subject: FW: Portsmouth, OH meeting with the Mayor/July 2, 2013 at 1 pm/ACO

Hi Rick,

Hope your meeting with your outside attorney is over and I would like to talk to you briefly about 10 min. or so on our meeting with the City folks on July 2, 2013. Please let me know your availability asap. You can reach me today at 847/949-0797.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 12:46 PM
To: David Malone
Cc: SCOTT.FOSTER@EPA.OHIO.GOV; rduncan1@falcon1.net
Subject: Portsmouth, OH meeting with the Mayor/July 2, 2013 at 1 pm/ACO

Good Afternoon Mayor Malone,

I sent the below message to you. This morning I called your office and talked to Ms. Diamond of your office since you were unavailable. I will appreciate if you can confirm your attendance for the meeting with the USEPA on July 2, 2013 at 1 pm eastern time in Portsmouth. Please see the below message.

Please let me know any agenda items you would like to add to our meeting.

Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:14 PM
To: David Malone
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Good Afternoon Mayor Malone,

Rick has confirmed today our meeting with the City on July 2, 2013 at 1:00 PM eastern time to discuss the proposed Administrative Order on Consent. I am developing the meeting agenda for the meeting that I plan to share with you. Please let me know if you have any agenda items that you would like to discuss during this meeting. Do we meet at your City Hall office? Please let me know.

Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 12:52 PM
To: SCANTER@ENVENG.COM
Subject: FOIA /Portsmouth, OH

Hi Steve,

I would like to talk to you regarding the subject matter. Pl. call me at your convenience.
You can reach me at 312/886-6704.
Today I can be reached at 847/949-0797.

Thank you.

Sudhir Desai
USEPA, Region 5

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 12:46 PM
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Cc: SCOTT.FOSTER@EPA.OHIO.GOV; rduncan1@falcon1.net
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Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 10:39 AM
To: Vantil, Barbara
Subject: Portsmouth, OH travel Info.

Barbara- Here is the details about the trip.

I hope the flight time works fine with you. By the time you pick up the car, my flight will be on the ground. Earlier flight from O'Hare will require me to wait for more than two hours at the Columbus airport.

Thank you.

Sudhir

Traveler SUDHIR V DESAI
AUTOMATION

Customer Number 589GLS7

Agent GT

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*** AND RENTAL CARS ***

Confirmation

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CHICAGO/OHARE

12:54 PM, Jul 01, 2013

COLUMBUS, OH

3:07 PM, Jul 01, 2013

Monday, July 01, 2013 BHVNRE

Status Confirmed

Class Coach Class - Y

Duration 01:13 (Non-stop)

Equipment ERJ

Meal Service None

Notes DEP-TERMINAL 1

*ORD-CMH OPERATED BY /CHAUTAUQUA AIRLINES DBA UNITED EXPRESS Confirmation DEPARTURE ARRIVAL

Flight UNITED AIRLINES 5255 COLUMBUS, OH

1:08 PM, Jul 03, 2013

CHICAGO/OHARE

1:26 PM, Jul 03, 2013

Wednesday, July 03, 2013 BHVNRE

Status Confirmed

Class Coach Class - W

Duration 01:18 (Non-stop)

Equipment CRJ-Canadair Regional Jet

Meal Service None

Reserved Seats 10D

Notes ARR-TERMINAL 1

*CMH-ORD OPERATED BY /SKYWEST DBA UNITED EXPRESS Name Invoice / Ticket / Date Base Tax 1 Tax

2 Tax 3 Total USD 291.16 21.84US 7.80ZP 14.00XT 334.80 Total Amount 334.80 Form of Payment:

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CWTSATOTRAVEL CAN BOOK YOUR HOTEL ACCOMODATIONS. WE CAN ASSIST IN KEEPING COSTS WITHIN PER DIEM AT A FEMA APPROVED PROPERTY, GUARANTEE YOUR RESERVATION FOR LATE ARRIVAL, AND EVEN CHECK FOR A ROOM AT YOUR FAVORITE HOTEL AT LOW FEDROOM OR CWTSATOTRAVEL GOVERNMENT RATES. ALL YOUR RESERVATIONS INCLUDED ON ONE ITINERARY--AIR, CAR, AND HOTEL.

THANKS FROM YOUR CWTSATOTRAVEL TEAM!!!

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 9:03 AM
To: jennifer.witte@state.oh.us; SCOTT.FOSTER@EPA.OHIO.GOV;
Andrew.Barienbrock@epa.state.oh.us
Subject: News Paer Article/Portsmouth, OH

Hi Scott, Jennifer and Andy,

Article from Portsmouth Daily Times News Paper. We all carry our own opinions.

Thank you.

Sudhir

Duncan to revise Class IV license application

9 hours ago | 478 views | 1 1 comments | 14 14 recommendations | email to a friend | print

Frank Lewis

PDT Staff Writer

The Ohio EPA is asking Portsmouth Wastewater Director Rick Duncan to provide additional information in order for the application for his 4th Class Operator's License to be completed. It is Duncan's third time trying for the license.

"The (Operator Certification Advisory) Council was concerned with the lack of detail and specificity in your discussion of the operation and process control of your facility," the letter from Andrew Barienbrock, Environmental Supervisor of the Operator Certification Unit, Division of Drinking and Ground Water, said. "In order to alleviate these concerns, the Council would like you to take a course on Wastewater Process Control and Troubleshooting. Please provide a detailed syllabus for the course you are considering taking in order for the Council to review and approve the content prior to your taking the course."

The committee is asking Duncan to provide a written discussion of the operation of his plant with respect to process control and troubleshooting, including a detailed discussion of a process control strategy as it applies to the Portsmouth plant - both wet stream and solids handling. The report is also expected to include a discussion of the need for analysis of process control parameters at the plant, as well as a discussion of plans to improve the level of treatment and final effluent quality at the plant. The report is also expected to include a discussion of the actual design flow and NPDES permit loading flow and reasons for the difference between the two and a discussion of the impact of side streams on the plant's performance.

In addition, the report will be expected to include comparison of design versus actual hydraulic and organic loadings to the individual plant units, include a discussion of the impact of overloading or under loading on the performance of each unit among other information.

Duncan said the word "test" as it applies in the case of the 4th Class Operator's License is a misnomer.

"It's not a test," Duncan said. "It's a process where an applicant has to submit documentation of his experience and his qualifications to become licensed as a Class-4 operator."

It is, in reality, an approximately 200-page document that describes Duncan's background, the operation of the Wastewater Treatment Plant, collection system, the administration of the department, his entire career as an engineer and an operator.

He submitted his second revision, about 20-30 pages in March, and expects the plan they are asking for to be approximately another 20-30 pages.

Duncan said it is unusual for operators to be approved the first time around.

"When I did mine (Class-IV), they asked me for an addendum. They wanted some more information," Portsmouth Water Treatment Director Sam Sutherland (a Class-IV operator) said. "I might have been a little light on the planning section of it. There were a couple of little issues. But I submitted that information and after they got it, everything was straight. They awarded it to me."

Duncan said he was hopeful for approval, but will take the necessary steps requested of the Council.

"I was hoping to be approved in my second submittal, and they said my application was fine. They just wanted additional information to back it up," Duncan said. "So, because I'm an engineer and don't have the background of an operator, they have asked me to take a correspondence course and to develop a plan to make some improvement in our plant operations."

Duncan said his understanding is, based on a meeting he had with the committee on May 16, 2013, that they would be sending him a letter with the additional requirements they were seeking.

"My understanding, based on that meeting and the letter, is that if I send them this remaining information, that they are very likely to approve my application at that time," Duncan said.

The letter goes on to say, "Your next submittal will be your third and final opportunity to pass your Class IV. In the event the information does not address the questions above, the Council may recommend failure of the examination."

Duncan clarified the application process further.

"Their policy is that if you don't pass by your second revision, which would be the third step - you have to start restart the application process," Duncan said. "That doesn't really take any extra time, you just have to re-submit your paperwork. And that just keeps them from having to send something back multiple times. So it is their policy - they don't give you a chance to do a third revision, but you just have to start all over."

Duncan said he scored in the 90s on his Class-III test. For the Fourth Class, there are two four-member boards - a four-member board for water treatment and a four-member board for wastewater treatment, and that board is made up of a mixture of engineers and operators, and those committees only review up to three applications per month.

Duncan said one of the reasons it has taken so long to get the license is his workload. He is the lone administrator of that department and has been working on flood defense issues, the Long Term Control Plan, administrative order, property acquisition, as well as the day-to-day operation of the actual physical plant. Duncan has asked City Council for another administrator to help with some of the projects, but was rejected.

Duncan said he believes there are less than 200 Class-IV wastewater operators in Ohio, and many are already retired.

"I feel very positive about it," Duncan said. "It has been a long process. I'm looking forward to getting it over."

Frank Lewis may be reached at 740-353-3101, ext. 252, or at flewis@civitasmedia.com. For breaking news, follow Frank on Twitter @FrankLewisPDT.

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Ombudo

|

7 Hours Ago

The Plot continues to thicken. It's not a test, if it was, Duncan would flunk it, Sgt. Schultz Duncan.

Hasn't Duncan been doing this since 2011 when he was reinstated after being fired?

The 3rd. time? How many times has he not completed this application three times each???

Didn't the city in around 2010 not get cited by EPA and almost fined for not having personnel with a Class IV license, a State of Ohio Law, and U. S. EPA Regulation, too? What gives here? Actually, he is a gift that keeps on giving, as well as the City and both EPA's.

So now Duncan is in charge of getting our flood walls certified when he can't even get himself certified? Sorry for our bad luck, PTown.

Read more: Portsmouth Daily Times - Duncan to revise of Class IV license application

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 8:45 AM
To: Perdomo, Susan
Subject: FW: Bob Forrey's blog changed

Hi Sue,

I will appreciate if you can read this blog. A perspective from one of the learned professor.

<http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 8:32 AM
To: Perdomo, Susan
Subject: RE: Portsmouth, OH/Request for a meeting

Hi Sue,

Thank you for helping me out. I will see you then. Have a nice weekend.

I will share a blog written by a Yale educated professor about our public meeting in 2/12/2014. I am trying to see if I can access it.

Thx.

Sudhir

From: Perdomo, Susan
Sent: Friday, June 21, 2013 7:32 AM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH/Request for a meeting

Sudhir - I am available at 8:00 am on Monday and we can meet in my office. Have a good weekend, Sue

From: Desai, Sudhir
Sent: Friday, June 21, 2013 7:16 AM
To: Perdomo, Susan
Subject: RE: Portsmouth, OH/Request for a meeting

Sue-Thank you for accommodating my request. How about 8 am in your office? I will be the only one.

i will check Dean and Barbara's schedules and let you know the time before 11 am today.

Thanks.

Sudhir

From: Perdomo, Susan
Sent: Thursday, June 20, 2013 4:42 PM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH/Request for a meeting

Sudhir - I don't think there is a hard and fast rule. I think we should be able to use our discretion and deem a request a FOIA request. But you should also think about any negative ramifications associated with such a designation. I'll be out of the office tomorrow. How about we meet on Monday in the morning? You pick a time before 11.30am. Sue

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 3:05 PM
To: Perdomo, Susan

Subject: Portsmouth, OH/Request for a meeting

Hi Sue,

I stopped by several times today to see you in person unannounced though. Sorry, I missed you. Please let me know if you have about 10 to 15 min. time to talk about the case.

Please call me when you get a chance and I will be at your wonderful office in no time.

A quick question you want to think about it.

When does a request for information/feedback from the USEPA becomes FOIA from a town resident if the requester has not used the word FOIA in his/her request?

Is he/she required to mention the word FOIA to get the information?

How does it impact if the case is under the enforcement action? If under no action? I do understand you may withheld the information that is Attorney Client work product.

Thx..

Sudhir
6-6704

Desai, Sudhir

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Thx.

Sudhir
6-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 21, 2013 7:09 AM
To: Jane Murray
Subject: RE: Bob Forrey's blog changed

Thank you Jane. I will call you at 12:30 pm central/11:30 am .

Thank you for providing the web site address.

Sudhir

From: Jane Murray [mjanemurray@yahoo.com]
Sent: Thursday, June 20, 2013 4:25 PM
To: Desai, Sudhir
Subject: Bob Forrey's blog changed

Hi Sudhir:

Wanted to let you know that Dr. Forrey changed his blog and so the one regarding the public meeting in February is at:

<http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

Also, I am in a meeting tomorrow until 11:00 am EDT. I would like to speak with you after that. If you can, please call me around 11:00 CDT.

thanks,

Jane

M. Jane Murray

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 4:00 PM
To: Moore, Denise
Subject: FW: FOIA-006227
Attachments: FOIA-05-2013-006227.pdf; Calculatilon Worksheet-006227.pdf

Denise,

FYI.

From: Jamison, Tracy
Sent: Wednesday, June 19, 2013 2:49 PM
To: Jackson, Mery
Cc: Desai, Sudhir; Vantil, Barbara
Subject: FOIA-006227

Sudir is communicating with the requester regarding the attachment that goes with this FOIA. I am out of the office until Monday maybe Tuesday morning.

TRACY D. JAMISON
ADMINISTRATIVE PROCESSING ASSISTANT
WATER DIVISION
WATER ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH (WC-15J)
(312) 886-6205



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2013

REPLY TO THE ATTENTION OF:

WC-15J

Mr. Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036

Subject: Freedom of Information Act Request

(Identification Number: EPA-R5-2013-006227)

Dear Mr. Canter:

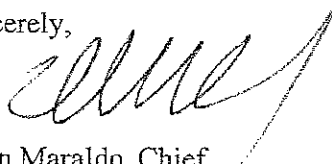
This letter responds to your Freedom of Information Act (FOIA) request received on May 07, 2013. On June 04, 2013, you agreed to the Agency's request for an extension of time to provide the requested information from June 4, 2013 to June 20, 2013. You requested the U.S. Environmental Protection Agency to provide all correspondence between the City of Portsmouth and the EPA from April 07, 2013 to May 07, 2013 electronically. I am sending all the documents from Water Division's files that are responsive to your request electronically.

There is a billable cost associated with the subject freedom of information act request. A Bill for Collection will be provided under a separate cover for the total cost for searching and reviewing the documents responsive to your request. The total cost for the above request is \$23.55.

You may appeal this response to the National Freedom of Information Officer, EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460, (U.S. Postal Service only) FAX: (202) 566-2147, e-Mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar day limit. The appeal letter should include the identification number: EPA-R5-2013-006227 listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any technical questions regarding this request, please contact Sudhir Desai at (312) 886-6704. Please contact Susan Perdomo if you have any legal questions at (312) 886-0557.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM', with a long, sweeping horizontal stroke extending to the right.

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 4:00 PM
To: Moore, Denise
Subject: FW: FOIA-006227
Attachments: FOIA-05-2013-006227.pdf; Calculatilon Worksheet-006227.pdf

Denise,

FYI.

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Sent: Wednesday, June 19, 2013 2:49 PM
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Cc: Desai, Sudhir; Vantil, Barbara
Subject: FOIA-006227

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ADMINISTRATIVE PROCESSING ASSISTANT
WATER DIVISION
WATER ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH (WC-15J)
(312) 886-6205

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 3:56 PM
To: 'Barbara VanTil'
Subject: Portsmouth, OH Meeting with Sue Perdomo

Hi Barbara,

I cannot get hold of Susan Perdomo for our tentative meeting with her next week. I will contact her again tomorrow and let you know.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 3:53 PM
To: Foster, Scott; Witte, Jennifer
Subject: Meeting conformation, Portsmouth, OH

Hi Jennifer and Scott,

I received the confirmation to have a meeting with the City of Portsmouth, OH from Rick Duncan. Mayor has not confirmed the day, date and time of the meeting on July 2, 2013. I sent the note to the Mayor Malone but have not heard anything from him yet.

I will check with Duncan about the time and date of the meeting late tomorrow afternoon since Rick is meeting with their outside attorney and Strand in the morning or early afternoon.

Thank you.

Sudhir Desai

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 3:05 PM
To: Perdomo, Susan
Subject: Portsmouth, OH/Request for a meeting

Hi Sue,

I stopped by several times today to see you in person unannounced though. Sorry, I missed you. Please let me know if you have about 10 to 15 min. time to talk about the case.

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Thx.

Sudhir
6-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 9:53 AM
To: Perdomo, Susan
Cc: Vantil, Barbara; Maraldo, Dean
Subject: RE: Responding to Jane Murray of Portsmouth

Hi Sue,

Thank you for your feedback.

I am available on Monday all day Monday, June 24, 2013. Is 10 am sounds good to you all on 6/24/21013? I am available Wednesday (6/26/2013) all day. Please let me know when it is convenient to you.

I am comfortable with Barbara taking care of this matter any time.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Thursday, June 20, 2013 8:43 AM
To: Desai, Sudhir
Subject: FW: Responding to Jane Murray of Portsmouth

From: Perdomo, Susan
Sent: Wednesday, June 19, 2013 4:36 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Maraldo, Dean
Subject: RE: Responding to Jane Murray of Portsmouth

It seems to me that since this is Sudhir's case, we should wait to meet until he is available. What other day do you suggest next week? Friday the 28th is my compressed day. Thanks, Sue

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:47 PM
To: Perdomo, Susan; Vantil, Barbara
Cc: Maraldo, Dean
Subject: RE: Responding to Jane Murray of Portsmouth

Hi Sue,

Sorry, I won't be able to meet with you. That day is my furlough day.

Sudhir Desai
312/886-6704

From: Perdomo, Susan
Sent: Wednesday, June 19, 2013 3:13 PM
To: Vantil, Barbara
Cc: Maraldo, Dean; Desai, Sudhir
Subject: RE: Responding to Jane Murray of Portsmouth

Barbara - I can meet next Tuesday at 3:15. I hope that works. Sue

From: Vantil, Barbara
Sent: Wednesday, June 19, 2013 1:37 PM
To: Perdomo, Susan
Cc: Maraldo, Dean; Desai, Sudhir
Subject: Responding to Jane Murray of Portsmouth

Hi, Susan – We need your input on a Portsmouth-related matter. One thing Gary and I had spoken about before he went on leave was coming up with a strategy to manage the influx of comments from the former mayor of Portsmouth, Jane Murray.

I've attached two examples of correspondence we've received from Ms. Murray. She appears to have the expectation that we will respond to each of her questions. We have concerns about how much access to information she expects. One thought is to treat each request as a FOIA. That obviously has its advantages and disadvantages. I'd like the four of us to sit down and talk about our options. We think you will have valuable input.

Some of her questions will be answered if/when we have a signed AOC, and we issue a formal response to the public comments received. As you know, we don't have an agreement yet. Once this is issued, however, we don't expect the questions will actually stop.

Another thing I wanted to let you know. Gary agreed that it would be a good idea for technical staff to meet with the City on the injunctive relief provisions of the order one last time. Given the extended timeline for the public comment period, some of the projects may actually be complete. We may tweak some of the dates. Sudhir and I (as well as Ohio EPA) are meeting with Rick Duncan and the Mayor on July 2nd in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks – Barbara
63164

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312/886-6704

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312/886-6704

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63164

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:45 PM
To: 'Barbara VanTil'
Subject: Portsmouth, OH

Hi Barbara,

FYI. I will share the details when I receive from them.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:31 PM
To: 'rduncan1@falcon1.net'
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Rick,

Please feel free to share with me if you have any agenda items. I have not developed any yet.

Scott shared his email regarding your Class IV request this pm. Good Luck to you.

Thank you.

FYI.

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:15 PM
To: David Malone
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Good Afternoon Mayor Malone,

Rick has confirmed today our meeting with the City on July 2, 2013 at 1:00 PM eastern time to discuss the proposed Administrative Order on Consent. I am developing the meeting agenda for the meeting that I plan to share with you. Please let me know if you have any agenda items that you would like to discuss during this meeting. Do we meet at your City Hall office? Please let me know.

Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:41 PM
To: Jackson, Mery
Subject: Portsmouth, OH FOIA Request Number: EPA-R5-2013-006227/Steve Canter

Hi Mery,

In response to the FOIA request from Stephen Canter, I am sending all the correspondence between the EPA and the City of Portsmouth from April 07, 2013 to May 07, 2013. The correspondence contains emails only between the above entities.

Thank you for your advice and continued support in this matter.

Sudhir Desai
USEPA, Region 5/WECA
Telephone Number: 312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:31 PM
To: 'rduncan1@falcon1.net'
Subject: FW: conference call Portsmouth, OH/June 12, 2013

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Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 3:23 PM
To: Vantil, Barbara
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Thank you Barbara. State has spoken now and rendered their official decision in this matter and I am happy that they took the decision on this matter before our meeting.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 19, 2013 3:07 PM
To: Maraldo, Dean
Cc: Perdomo, Susan; Prichard, Gary; Desai, Sudhir
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Fyi. I let Rick know earlier this week that this was a state-lead issue, and that we would not intervene.

From: Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]
Sent: Wednesday, June 19, 2013 2:42 PM
To: rduncan1@falcon1.net; Desai, Sudhir; Vantil, Barbara
Cc: Witte, Jennifer; Barienbrock, Andrew
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Rick:

After much discussion, the Ohio EPA can't excuse the city from having a Class IV operator in responsible charge of the Lawson Run Wastewater Treatment Plant. It is a requirement included in your NPDES permit and in Ohio Administrative Code 3745-7-04. If you have any additional comments or requests, please feel free to contact me.

Sincerely,

Scott Foster
Environmental Specialist 2
Division of Surface Water
Southeast District
Ohio EPA
740-380-5227
scott.foster@epa.ohio.gov

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Wednesday, June 12, 2013 4:11 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Witte, Jennifer; Foster, Scott
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Sudhir, et al.,

Sudhir's summary is an accurate description of our conversation.

I would like to reiterate Sudhir's statement about the Class IV issue. Due to the ongoing cost, paying for Mike Shaw's services is becoming a major issue for members of Council. Certain concerned locals are sure to use the issue to their maximum advantage. I will be surprised if it does not become a front page issue in near future, which will be another distraction that I am not prepared to deal with at this time.

On the other hand I sent my revised application to the advisory board in March and I met with the board on May 16. The board indicated that my application was sufficient and did not need to be revised. But they stated that they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

I am very concerned that the near-inevitable consequences of continuing to require the city to hire Class IV supervision will undermine my position with City Council and seriously jeopardize the work we have all done in advancing the AOC to this point. I hope that, considering the advanced status of my application, Ohio EPA can exercise additional discretion regarding the Class IV requirement.

Desai, Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 18, 2013 10:08 AM
To: Desai, Sudhir
Cc: Vantil, Barbara
Subject: portsmouth emails
Attachments: RE: Portsmouth, OH/Request from Sturgill and sewer walk through; RE: Portsmouth, OH/Request from Sturgill and sewer walk through; RE: Conference Call Request/Portsmouth, OH ; URGENT: Update on Progress Needed

Desai, Sudhir

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Thank you.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 2:52 PM
To: 'scanter@enveng.com'
Subject: FW: Message from "R5-15-06"
Attachments: 20130619142822864.pdf

Hi Steve,

Here is the letter that my manager signed today in response to your FOIA Request.

I want to talk to you about sending it electronically but do not want to overload your inbox. I have about 1000 pages worth of information.

Thank you.

Sudhir Desai
312/886-6704

-----Original Message-----

From: R5-15-06.epa.gov@mintra01.rtp.epa.gov [<mailto:R5-15-06.epa.gov@mintra01.rtp.epa.gov>]
Sent: Wednesday, June 19, 2013 2:28 PM
To: Desai, Sudhir
Subject: Message from "R5-15-06"

This E-mail was sent from "R5-15-06" (Aficio MP 6001).

Scan Date: 06.19.2013 14:28:22 (-0500)
Queries to: R5-15-06.epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2013

REPLY TO THE ATTENTION OF:

WC-15J

Mr. Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036

Subject: Freedom of Information Act Request

(Identification Number: EPA-R5-2013-006227)

Dear Mr. Canter:

This letter responds to your Freedom of Information Act (FOIA) request received on May 07, 2013. On June 04, 2013, you agreed to the Agency's request for an extension of time to provide the requested information from June 4, 2013 to June 20, 2013. You requested the U.S. Environmental Protection Agency to provide all correspondence between the City of Portsmouth and the EPA from April 07, 2013 to May 07, 2013 electronically. I am sending all the documents from Water Division's files that are responsive to your request electronically.

There is a billable cost associated with the subject freedom of information act request. A Bill for Collection will be provided under a separate cover for the total cost for searching and reviewing the documents responsive to your request. The total cost for the above request is \$23.55.

You may appeal this response to the National Freedom of Information Officer, EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460, (U.S. Postal Service only) FAX: (202) 566-2147, e-Mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar day limit. The appeal letter should include the identification number: EPA-R5-2013-006227 listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any technical questions regarding this request, please contact Sudhir Desai at (312) 886-6704. Please contact Susan Perdomo if you have any legal questions at (312) 886-0557.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM', with a long horizontal stroke extending to the right.

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 2:38 PM
To: Foster, Scott
Subject: Portsmouth, OH

Hi Scott,

I called you this am. Sorry I missed you (I did not leave the message).

This pm, I talked to Rick Duncan. He is interested in bringing Strand folks at the meeting schedule on July 2 pm at 1 pm eastern time. I stated that the meeting is between the City and the regulators.

He is meeting with his outside counsel on 6/21/2013. Strand folks are going to be in the meeting.

He is worried about his Class IV operator's license application. He is hoping you can agree with his request for extension of time so he does not have to pay an outside contractor. So the ball looks like is in your court in this matter. Keep your pen inked to sign and deliver the news. Please share your written decision with me.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 1:52 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: RE: Responding to Jane Murray of Portsmouth/Next Tuesday is furlough day for me

Hi Barbara,

I just realized next Tuesday is my furlough day off. Of course, I can change the furlough date with your concurrence.

Thx.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 1:48 PM
To: Vantil, Barbara
Subject: RE: Responding to Jane Murray of Portsmouth

Hi Barbara,

Since Rick is meeting with their attorney on 6/21/2013, I think it will be more helpful if we meet next week with Susan. Just a thought.

Thx.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 19, 2013 1:37 PM
To: Perdomo, Susan
Cc: Maraldo, Dean; Desai, Sudhir
Subject: Responding to Jane Murray of Portsmouth

Hi, Susan – We need your input on a Portsmouth-related matter. One thing Gary and I had spoken about before he went on leave was coming up with a strategy to manage the influx of comments from the former mayor of Portsmouth, Jane Murray.

I've attached two examples of correspondence we've received from Ms. Murray. She appears to have the expectation that we will respond to each of her questions. We have concerns about how much access to information she expects. One thought is to treat each request as a FOIA. That obviously has its advantages and disadvantages. I'd like the four of us to sit down and talk about our options. We think you will have valuable input.

Some of her questions will be answered if/when we have a signed AOC, and we issue a formal response to the public comments received. As you know, we don't have an agreement yet. Once this is issued, however, we don't expect the questions will actually stop.

Another thing I wanted to let you know. Gary agreed that it would be a good idea for technical staff to meet with the City on the injunctive relief provisions of the order one last time. Given the extended timeline for the public comment period, some of the projects may actually be complete. We may tweak some of the dates. Sudhir and I (as well as Ohio

EPA) are meeting with Rick Duncan and the Mayor on July 2nd in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks -- Barbara

63164

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 19, 2013 1:48 PM
To: Vantil, Barbara
Subject: RE: Responding to Jane Murray of Portsmouth

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From: Vantil, Barbara
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Cc: Maraldo, Dean; Desai, Sudhir
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Thanks -- Barbara
63164

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 18, 2013 3:23 PM
To: Vantil, Barbara
Subject: FW: Enforcement of CWA re SSOs at Munn's Run/Portsmouth, OH

Hi Barbara,

Here is the response to Jane's request. Please review the below response. Once you have approved it, I will send our response to her.

Thank you.

Sudhir

Hi Jane,

I got the additional information related to the Sanitary Sewer Overflows (SSOs) from Scott Foster of the OEPA now.

The following is the summary of number of SSO events during the years 2011, 2012 and 2013. The SSOs lasted from a half an hour to several months.

Year	Number of SSO events reported
CY 2011	17
Cy 2012	24
Year 2013 (up to 6/6/2013)	09

EPA continues to work with the City of Portsmouth to address the SSO discharges to the Ohio River and the Munn's Run Creek and the EPA is in a process of negotiating an Administrative Order on Consent (ACO) to address these SSOs. The ACO was shared with the citizens of Portsmouth during the public hearing on February 12, 2013.

The Phase I of a manhole/sewer rehabilitation project for the North Mooreland/Munn's Run sewer was completed at a cost of about \$90,000 to rebuild 30-some manholes. Phase II of the project will be significantly larger to re-build remaining manholes and relin/replace extensive sections of the existing sewer. The construction of the above project is expected to begin shortly this year, with a project completion by 2013. The City has secured an additional funding for various projects from the OEPA.

The OEPA has indicated to us that they are working with Mr. Duncan on his Class IV operator's license. Additional information is requested from Mr. Duncan to review his application. Also, the City has hired an outside contractor to work 20 hours per week to meet OEPA's requirements.

The ACO, when signed by the City, will require the City to institute the downspout disconnection program City wide. Currently, the residents hardest hit with the basement flooding in the Grandview area are asked to disconnect their downspouts.

Please feel free to contact me if you need additional information and or need clarification on this matter.

Thank you.

Sudhir Desai

Environmental Engineer
USEPA, Region 5/WECA/wc-15J
Telephone Number: 312/886-6704
FAX Number: 312/692-2981

From: Desai, Sudhir
Sent: Monday, June 10, 2013 9:17 AM
To: mjanemurray@yahoo.com
Cc: Maraldo, Dean; Vantil, Barbara; Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Jane,

Thank you for your inquiry regarding SSO violations at Munn's Run. The City is required to report the Sanitary Sewer Overflows (SSOs) under their NPDES Permit to the OEPA. I have requested Mr. Scott Foster of the OEPA to provide the information you requested related to the Munn's Run SSOs asap. Once I receive the requested information from the OEPA, I will provide information requested by you.

Thank you for your understanding.

Sudhir Desai
Environmental Engineer
USEPA, Region 5/WECA/wc-15J
Telephone Number: 312/886-6704
FAX Number: 312/692-2981

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinriverscity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 17, 2013 8:43 AM
To: 'scanter@enveng.com'
Cc: Desai, Sudhir
Subject: Portsmouth, OH FOIA Request

Hi Steve,

I will appreciate if you can send the confirmation about agreeing to extension EPA'S time request to respond to your Freedom of Information Request about Portsmouth, OH matter asap.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 18, 2013 9:46 AM
To: Jamison, Tracy
Subject: FOIA Portysmouth, OH

Hi Tracy,

I will appreciate if you can finalize the letter by today for Dean's signature. The file name is:

Portsmouthcanterfoia620 and it is on our g drive/Desai.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 17, 2013 12:02 PM
To: Vantil, Barbara; Jackson, Mery; Moore, Denise; Jones, Roslyn
Subject: FW: Portsmouth, OH FOIA Request

Here is the confirmation regarding extension of time request regarding Portsmouth, OH matter.

Thank you.

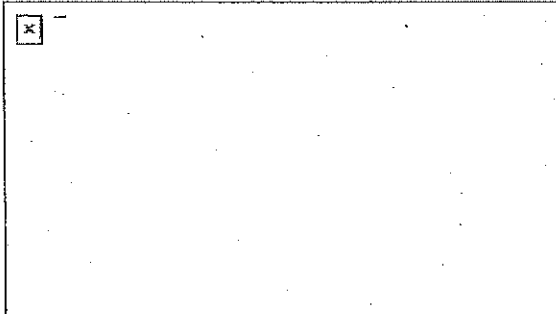
Sudhir

From: Steve Canter [<mailto:scanter@enveng.com>]
Sent: Monday, June 17, 2013 11:50 AM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH FOIA Request

Sudhir,

It is acceptable to provide the requested information no later than June 20, 2013.

Sincerely,
Steve Canter



Stephen Canter, P.E.
13 Cherokee Trail
New Richmond, Ohio 45157
(513) 553-2707
(513) 553-2988 (Fax)

Lebanon Office
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

From: Desai, Sudhir [<mailto:desai.sudhir@epa.gov>]
Sent: Monday, June 17, 2013 9:43 AM

To: scanter@enveng.com
Cc: Desai, Sudhir
Subject: Portsmouth, OH FOIA Request

Hi Steve,

I will appreciate if you can send the confirmation about agreeing to extension EPA'S time request to respond to your Freedom of Information Request about Portsmouth, OH matter asap.

Thank you.

Sudhir Desai
312/886-6704.

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced
into the EPA network. EPA is deleting all computer program attachments
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you
should contact the sender and request that they rename the file name
extension and resend the Email with the renamed attachment. After
receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 13, 2013 9:20 PM
To: Desai, Sudhir
Subject: RE: conference call agenda-4/17/2013

Agenda items

1. Discussion about Facilities Planning report (project discussion and progress, etc. by Sneve and Ruggles- 15 min.) 2. DEFA's comments on the Facilities Planning report (review of submission by Strand, How DEFA views loan modification request by Village, how long will it take to review the request, information required for the request by Adkins, Buckinger and Deniro- 15 min.) 3. Summary of discussions with Mayor, Hamilton and Williams (what was discussed and out come on amending loan request, etc. by Hamilton and Sneve- 15 min.) 4. Public meeting attendance request to EPA, OEPA, etc. (who will attend the meeting, what is the role of each regulatory agency representative at the meeting and expectation of the Village, etc. by Hamilton, Foster and Desai- 10 min.) 5. Interaction and coordination of projects with Nathan's group (project coordination, grant assistance, etc.-Davis and Hamilton-15 min.)

This Friday, (June 14, 2013) is my furlough day and therefore, I will not be responding to your messages and phone calls on that day. Sorry for the inconvenience. But please feel free to send any questions and or comments.

From: Desai, Sudhir
Sent: Thursday, June 13, 2013 5:29 PM
To: Sneve, Mark; Scott Foster; Jennifer Witte (jennifer.witte@epa.state.oh.us); Judith Buckinger; Dennis Deniro; Angela Adkins; Nathan Davis; Ruggles, Kris; Vantil, Barbara
Subject: conference call agenda-4/17/2013

Hi All,

I have trouble sending you the invite for some odd reasons. I will share the call in number on Monday morning. Here is the Agenda for the conference call. Please let me know if you would like to add any agenda item.

Agenda items

1. Discussion about Facilities Planning report (project discussion and progress, etc. by Sneve and Ruggles- 15 min.) 2. DEFA's comments on the Facilities Planning report (review of submission by Strand, How DEFA views loan modification request by Village, how long will it take to review the request, information required for the request by Adkins, Buckinger and Deniro- 15 min.) 3. Summary of discussions with Mayor, Hamilton and Williams (what was discussed and out come on amending loan request, etc. by Hamilton and Sneve- 15 min.) 4. Public meeting attendance request to EPA, OEPA, etc. (who will attend the meeting, what is the role of each regulatory agency representative at the meeting and expectation of the Village, etc. by Hamilton, Foster and Desai- 10 min.) 5. Interaction and coordination of projects with Nathan's group (project coordination, grant assistance, etc.-Davis and Hamilton-15 min.)

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Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, June 13, 2013 5:51 PM
To: Prichard, Gary
Subject: RE: Portsmouth

Hi Gary,

Thank you for your continuous support and help on this case. When is your return date? If I do not speak to you, have a good time.

Sudhir

From: Prichard, Gary
Sent: Thursday, June 13, 2013 5:13 PM
To: DeMonte, Jessica E.
Cc: Perdomo, Susan; Vantil, Barbara; Desai, Sudhir
Subject: Portsmouth

Jessica - Susan Perdomo is the attorney who will be handling the Portsmouth case while I am out. Please let Susan know what steps need to happen before the City can sign the AOC. Susan's number is 312-886-0557.

Thanks,

Gary Prichard
Associate Regional Counsel
(312) 886-0570

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 3:30 PM
To: Andrew.Barienbrock@epa.state.oh.us
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Hi Andy,

This information will give a clearer picture of the matters related to Portsmouth. Please feel free to chime in and I will try my best to address your concerns quickly.

Is it possible for you to share the letter you send it to Rick Duncan on June 7, 2013? I will appreciate your help in this matter.

I continue to be impressed by your reviews based on facts and submissions made by the applicants.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:45 PM
To: RDuncan1@falcon1.net; Vantil, Barbara
Subject: FW: conference call Portsmouth, OH/June 12, 2013

FYI. I could not share this message with Rick for some computer related problem. So here is the message.

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:43 PM
To: Vantil, Barbara; desai.sudhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

Rick Duncan called me this morning. We had scheduled the call this morning. However, because of the schedule conflicts, we were unable to originate the call together.

Here is the short summary of this call between me and Rick Duncan:

1) Rick does not see any problem with moving forward with the projects identified in the proposed ACO. However, he stated that he has concerns about moving forward with MOM and related work. Rick would like to tweak on the project schedule completion and or start dates. I stated that that we can discuss during the next call. Rick also felt that reporting requirements for the projects are too much for him. I stated that the Agency needs to know progress of the projects and we ask the similar information from other communities. I reiterated my frustration about not having supporting documents for cost estimates and other technical information. He felt that he has given the total cost figures. I stated that we want to make sure the cost and other technical details are on hand to review project viability and to determine if the costs derived for the projects are realistic and accurate.

2) I discussed three projects identified in the ACO:

- a) 25 th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.
- b) 23 rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)
- c) Armory: The project will move forward without any significant modifications. This is an above ground system.

Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 3:21 PM
To: Andrew.Barienbrock@epa.state.oh.us
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Hi Andy,

FYI.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, June 12, 2013 3:11 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Jennifer Witte; Scott Foster
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Sudhir, et al.,

Sudhir's summary is an accurate description of our conversation.

I would like to reiterate Sudhir's statement about the Class IV issue. Due to the ongoing cost, paying for Mike Shaw's services is becoming a major issue for members of Council. Certain concerned locals are sure to use the issue to their maximum advantage. I will be surprised if it does not become a front page issue in near future, which will be another distraction that I am not prepared to deal with at this time.

On the other hand I sent my revised application to the advisory board in March and I met with the board on May 16. The board indicated that my application was sufficient and did not need to be revised. But they stated that they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

I am very concerned that the near-inevitable consequences of continuing to require the city to hire Class IV supervision will undermine my position with City Council and seriously jeopardize the work we have all done in advancing the AOC to this point. I hope that, considering the advanced status of my application, Ohio EPA can exercise additional discretion regarding the Class IV requirement.

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 3:20 PM
To: rduncan1@falcon1.net; Vantil, Barbara
Cc: Jennifer Witte; Scott Foster
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Hi Rick,

This is the issue that OEPA folks can address. Good luck to you on resolving this matter.

Thank you.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, June 12, 2013 3:11 PM
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Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 1:10 PM
To: Vantil, Barbara
Subject: FW: conference call Portsmouth, OH/June 12, 2013- confidential

Hi Barbara,

I talked to Rick Duncan about 40 min. or so. He feels that we are acting heavy handed with him. Though he did acknowledge that we are giving him support. He felt that since he does not have resources to do MOM and he does not want to set him up for a failure. Our aggressive push for actions are constituting like throwing him in front of the wolves.

It appears to me that the City agrees in principle to sign the ACO but with Rick's reservations and comments, he wants to reduce reporting requirements and waiver from MOM and projects related to MOM. This was discussed with him for more than two years and this is the first time I am hearing that he has reservations about these matters. I am worried. You have gone at a great length to explain to him on MOM.

He is worried that the citizens are making a big issue about the City has to pay him and pay the contractor for his debacle on Class IV operator's licence. He seemed to be worried about its ramifications on his employment. He is also worried what kind of support he will get from Jennifer and Scott on this issue. Looks like some city council members are going along with Jane Murray's approach on this case (i.e., why do we need to pay twice: Rick and Mike when Rick is required to have Class IV).

Here is what I am proposing:

1. Wait until we hear from City's lawyer to get the feed back.
2. We should insist on moving forward with our agreed projects without any delays. No more waiving MOM and reporting requirements.
3. None of the projects are shovel ready and I am afraid the City may loose some of the funding.
4. On the 23 rd and Grandview Avenue projects, the City is proposing an underground structure but when it is doing the debt service calculations, the number used are for the above ground facility at this location.

I wanted to give you heads up so you can provide your feed back when we meet next week.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:43 PM
To: Vantil, Barbara; desai.sudhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

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a) 25 th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.

b) 23 rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)

c) Armory: The project will move forward without any significant modifications. This is an above ground system.

Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:46 PM
To: RDuncan1@falcon1.net; Vantil, Barbara
Subject: FW: conference call Portsmouth, OH/June 12, 2013

FYI. I could not share this message with Rick for some computer related problem. So here is the message.

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:43 PM
To: Vantil, Barbara; desai.sudhhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott'
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

Rick Duncan called me this morning. We had scheduled the call this morning. However, because of the schedule conflicts, we were unable to originate the call together.

Here is the short summary of this call between me and Rick Duncan:

1) Rick does not see any problem with moving forward with the projects identified in the proposed ACO. However, he stated that he has concerns about moving forward with MOM and related work. Rick would like to tweak on the project schedule completion and or start dates. I stated that that we can discuss during the next call. Rick also felt that reporting requirements for the projects are too much for him. I stated that the Agency needs to know progress of the projects and we ask the similar information from other communities. I reiterated my frustration about not having supporting documents for cost estimates and other technical information. He felt that he has given the total cost figures. I stated that we want to make sure the cost and other technical details are on hand to review project viability and to determine if the costs derived for the projects are realistic and accurate.

2) I discussed three projects identified in the ACO:

- a) 25 th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.
- b) 23 rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)
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Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:44 PM
To: Vantil, Barbara; desai.sudhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

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Here is the short summary of this call between me and Rick Duncan:

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OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 11:19 AM
To: Vantil, Barbara
Subject: RE: Portsmouth, OH call to Duncan

Hi Barbara,

Rick Duncan called me about 40 min. ago.

From: Vantil, Barbara
Sent: Wednesday, June 12, 2013 10:58 AM
To: Desai, Sudhir
Subject: FW: Portsmouth, OH call to Duncan

Not available. See note below. My calendar has been blocked.

B

-----Original Message-----

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:20 AM
To: Desai, Sudhir
Cc: Gary Prichard
Subject: RE: Portsmouth, OH call to Duncan

Just so you know - I am not available then. Message - we want the City to sign the order. They've had an opportunity to see the public comments, and prepare comments internally. Our attorney will be contacting theirs to discuss the signing of the AO.

Once we have a signed agreement, EPA will issue a formal response to comments.

Gary, is there anything you'd like to add?

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

His contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 10:09 AM
To: Vantil, Barbara
Subject: conference call Portsmouth, OH

Hi Barbara,

I am waiting for the tie in for the call. Hope everything is going well with you.

Thank you.

Sudhir
847/949-0797

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 9:31 AM
To: RDuncan1@falcon1.net; Vantil, Barbara
Subject: conference call Portsmouth, OH

Hi Rick and Barbara,

I thought about the agenda for this call, though we all know what we want to discuss during this call. But I wanted to reiterate the items for the Agenda.

1. Administrative Order on Consent progress (how we want to finalize the ACO and what actions each one should take, time frame for signing the ACO, etc. (all three)
2. Projects on the ACO- 25 th and Coles Blvd, 23 rd and Grandview and Armory project (Duncan)- where they stand now?
3. Progress on MOM (Duncan)

Barbara plans to originate the call.

Thank you.

Sudhir
847/949-0797

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 2:56 PM
To: rduncan1@falcon1.net; Vantil, Barbara
Subject: RE: Portsmouth, OH ACO progress

Thank you Rick. Barbara will originate the call tomorrow morning. Is any one going to be with you on the call?

My contact phone number is 847/949-0797.

Thank you.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Tuesday, June 11, 2013 2:38 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: RE: Portsmouth, OH ACO progress

10 am central/11 am eastern is fine. Talk to you then.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 2:26 PM
To: Vantil, Barbara
Subject: RE: Portsmouth, OH ACO progress

Barbara,

Let me double check with Rick if he can make it tomorrow due to sickness of his wife. I sent the message a few min. ago.

Thx.

Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 2:06 PM
To: rduncan1@falcon1.net; Desai, Sudhir
Subject: RE: Portsmouth, OH ACO progress

I'm open most of tomorrow. Sudhir, please feel free to check my calendar to set something up.

Thanks - Barbara

-----Original Message-----

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Tuesday, June 11, 2013 2:06 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: re: Portsmouth, OH ACO progress

How about tomorrow?

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 2:25 PM
To: rduncan1@falcon1.net; Vantil, Barbara
Subject: RE: Portsmouth, OH ACO progress

I am open all day tomorrow. How about 10 am central time/11 am eastern time? Pl. let me know.

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Tuesday, June 11, 2013 2:05 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: re: Portsmouth, OH ACO progress

How about tomorrow?

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 1:01 PM
To: Foster, Scott
Subject: ACO/Portsmouth, OH

Hi Scott,

Today's conference call with Rick Duncan was cancelled because his wife is admitted to the Hospital in Portsmouth. Brandon Casey of his office called me this morning. I will have to reschedule this call to inform him about our yesterday's decision to move forward with the ACO.

Thank y
Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 11:16 AM
To: Vantil, Barbara
Subject: Portsmouth, OH /call

Hi Barbara,

I got a call from Brandon Casey, Duncan's assistant, this morning. He stated that Rick's wife is admitted to the hospital for a surgery. So he won't be able to call us. I told Brandon that it will be fine if he cannot call us. Brandon's contact number is 740/357-0689. The call lasted about 5 min.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 10:09 AM
To: Vantil, Barbara
Cc: Prichard, Gary
Subject: RE: Portsmouth, OH call to Duncan

Hi Gary and Barbara,

Rick is taking his wife to the Hospital in Portsmouth so he will be in and out of the office. So far he is not in the office. I will wait for his call and then talk to him if he calls.

Sorry to hear this news.

Thx.

Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:19 AM
To: Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: Portsmouth, OH call to Duncan

Just so you know - I am not available then. Message - we want the City to sign the order. They've had an opportunity to see the public comments, and prepare comments internally. Our attorney will be contacting theirs to discuss the signing of the AO.

Once we have a signed agreement, EPA will issue a formal response to comments.

Gary, is there anything you'd like to add?

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

His contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:25 AM
To: Vantil, Barbara
Cc: Prichard, Gary
Subject: RE: Portsmouth, OH call to Duncan

Hi Barbara- I had called him to confirm conference call time. That is what I had called him to talk about. I will call him to follow up at 10 am central to talk about this matter.

Thx.

Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:19 AM
To: Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: Portsmouth, OH call to Duncan

Just so you know - I am not available then. Message - we want the City to sign the order. They've had an opportunity to see the public comments, and prepare comments internally. Our attorney will be contacting theirs to discuss the signing of the AO.

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Gary, is there anything you'd like to add?

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

His contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

Subject: Portsmouth, OH ACO progress
Location: Chicago

Start: Tue 6/11/2013 10:00 AM
End: Tue 6/11/2013 10:30 AM
Show Time As: Free

Recurrence: (none)

Organizer: Desai, Sudhir
Required Attendees: rduncan1@falcon1.net; Vantil, Barbara

Hi Rick,

We would like to talk to you this morning about City's progress in ACO related matters. Barbara will originate the call. I am working at the alternate work location and can be reached at 847/949-0797.

Thank you.

Sudhir Desdai

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

Hid contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 12:36 PM
To: Moore, Denise; Fields, Tarsha
Subject: FW: 2013-006227/Portsmouth, OH

Hi Denise and Tarsha,

Here is the message that I sent Mr. Canter to confirm our phone call discussion.

Sudhir

-----Original Message-----

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:45 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 11:36 AM
To: 'Barbara VanTil'
Subject: Portsmouth, OH conference call

Hi Barbara,

I talked to Scott this morning about our 1 pm conference call. He asked me to call them at 740/380-5206. This Jennifer's office phone number.

Question: Are we comfortable with the ACO as written?

Sudhir's comment: Yes, I am comfortable with the ACO and related milestones. However, significant technical details are lagging in almost all the proposed projects and related milestones. I would like to know from Rick when such information will be forth coming to the OEPA and EPA? If after receiving the technical details, team members wants to tweak on few items, how do we do that? My suggestion is to have an opener clause that will allow us to do that. The City can also request by the same logic. If there are comments from the citizens and they feel their concerns are not addressed, how do we want to incorporate their feedback. Remember nobody wants to have a detention basin in their back yard if there is a slight chance of having a raw sewage comingling with the storm water.

Question: If the requested information which the City is committing to provide us during the course of our ACO, and we do not get the information in the format and or in an appropriate forum, how do we want to deal with this issue? I will give you an example: A document is submitted by the City and we need to verify that the cost estimates of the projects are accurate and the City can come back and tell us that is our professional opinion based on our experience. Strand has the habit to use the bid documents from their proposals to other communities but they sometimes are unwilling to tell us why that particular set of information is applicable in this case.

Approach I suggest: All the project information will be supplied with the supporting documents, including raw sheets to arrive at the cost of the project. My personal preference is that they use standard engineering methodology and relevant cost indices to estimate current project costs. If they are using their own program, they should share with us too.

Question: When submitting PTI applications for the projects, it will meet requirements of the OEPA. DEFA submittals do not contain sufficient technical details to support PTIs. Generally, PTI applications have sufficient to meet DEFA requirements less the actual forms. It will be more productive if they can submit one application for the PTI and the DEFA. I am trying to avoid duplicate reviews of the projects.

Thank you.

Sudhir Desai

Desai, Sudhir

Subject: Portsmouth, OH Conference call/ACO
Location: Chicago

Start: Tue 6/18/2013 10:00 AM
End: Tue 6/18/2013 10:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Desai, Sudhir
Required Attendees: rduncan1@falcon1.net; Vantil, Barbara

Hi Rick,

We would like to talk to you about finalizing the Administrative Order on Consent (ACO). If the City feels comfortable to sign the ACO, we would like to move forward with this proposed ACO for signature/concurrence.

We would originate the call.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

Subject: Portsmouth, OH ACO
Location: R5Metcalfe-ConfRm-R1516/R5-Metcalfe---15th-Floor;
Start: Mon 6/10/2013 1:00 PM
End: Mon 6/10/2013 1:30 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Desai, Sudhir
Required Attendees: Foster, Scott; witte.jennifer@epa.state.oh.us; Vantil, Barbara

We would like to talk to you about finalizing the Administrative Order on Consent (ACO). Do you have any comments/concerns regarding the proposed ACO? Please let us discuss this matter during this conference call.

We will originate the call.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

Subject: Portsmouth, OH ACO
Location: R5Metcalfe-ConfRm-R1516/R5-Metcalfe---15th-Floor;
Start: Mon 6/10/2013 1:00 PM
End: Mon 6/10/2013 1:30 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Desai, Sudhir
Required Attendees: Foster, Scott; witte.jennifer@epa.state.oh.us; Vantil, Barbara
Resources: R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor

We would like to talk to you about finalizing the Administrative Order on Consent (ACO). Do you have any comments/concerns regarding the proposed ACO?

We will originate the call.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

Subject: Portsmouth, OH ACO
Location: CHICAGO

Start: Tue 6/11/2013 1:00 PM
End: Tue 6/11/2013 1:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Desai, Sudhir

Required Attendees: Foster, Scott; witte.jennifer@epa.state.oh.us; Vantil, Barbara

Resources: R5Metcalf-ConfRm-R1517/R5-Metcalf---15th-Floor

We would like to talk to you about finalizing the Administrative Order on Consent (ACO). Do you have any comments/concerns regarding the proposed ACO?

We will originate the call.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

Subject: Portsmouth, OH ACO
Location: CHICAGO

Start: Tue 6/11/2013 1:00 PM
End: Tue 6/11/2013 1:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Desai, Sudhir

Required Attendees: Foster, Scott; witte.jennifer@epa.state.oh.us; Vantil, Barbara

Resources: R5Metcalf-Metcalf-ConfRm-R1517/R5-Metcalf-15th-Floor

We would like to talk to you about finalizing the Administrative Order on Consent (ACO). Do you have any comments/concerns regarding the proposed ACO?

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 9:17 AM
To: 'mjanemurray@yahoo.com'
Cc: Maraldo, Dean; Vantil, Barbara; Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Jane,

Thank you for your inquiry regarding SSO violations at Munn's Run. The City is required to report the Sanitary Sewer Overflows (SSOs) under their NPDES Permit to the OEPA. I have requested Mr. Scott Foster of the OEPA to provide the information you requested related to the Munn's Run SSOs asap. Once I receive the requested information from the OEPA, I will provide information requested by you.

Thank you for your understanding.

Sudhir Desai
Environmental Engineer
USEPA, Region 5/WECA/wc-15J
Telephone Number: 312/886-6704
FAX Number: 312/692-2981

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former

mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 8:53 AM
To: Foster, Scott
Cc: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Scott,

I have been trying to reach you for the past week. Sorry, we keep on missing. Here is the request from Jane Murray that I received. I would like to respond to her questions. Generally, Duncan send the report to OEPA per their permit requirements.

I will appreciate if you can get the details about number of SSOs reported by the City IN cy 2011, 2012 and May 2013 asap.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run . I've read permit compliance inspection reports by OH EPA

staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 8:42 AM
To: Vantil, Barbara; Prichard, Gary
Subject: FW: FOI Request-Portsmouth, OH /EPA FOIA Number: EPA-R5-2013-006227.

Hi Barbara and Gary,

Here is the FOIA request from Steve Canter.

Thank you.

Sudhir

From: Jones, Roslyn
Sent: Wednesday, May 08, 2013 10:08 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; Moore, Denise
Subject: RE: FOI Request-Portsmouth, OH

Good morning,

Here is the FOIA number EPA-R5-2013-006227.

Thank you

Roslyn Jones
Program Assistant
Environmental Protection Agency
Water Division
(312)886-3546
jones.roslyn@epa.gov

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:52 PM
To: Jones, Roslyn
Cc: Vantil, Barbara; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH

Hi Roslyn,

I got an electronic message from Mery Jackson in response to my below email to contact you.
Please process the below FOIA request.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:45 PM
To: Jackson, Mery

Cc: Vantil, Barbara; Prichard, Gary; Maraldo, Dean; Moore, Denise

Subject: FW: FOI Request-Portsmouth, OH

Hi Mery,

Here is the FOIA request from Mr. Steve Canter that I received to day. Please assign the FOIA number and I will start working on this request to provide the requested information.

Thank you.

Sudhir Desai
312/886-6704

From: Steve Canter [scanter@enveng.com]

Sent: Tuesday, May 07, 2013 12:24 PM

To: Desai, Sudhir; Desai, Sudhir

Subject: FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth and US EPA for the past month (April 7 – May 7, 2013).

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,
Steve Canter

Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at

(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 07, 2013 2:10 PM
To: Vantil, Barbara
Subject: RE: 2013-006227/Portsmouth, OH

Hi Barbara,

I am coming to the office on Monday. I have finished printing about 95% of them.

Thank you.

From: Vantil, Barbara
Sent: Friday, June 07, 2013 1:09 PM
To: Desai, Sudhir
Subject: RE: 2013-006227/Portsmouth, OH

Hi, Sudhir - you need to let Gary know we need him to go through our emails next week so we can get this FOIA out. When I'm in the office on Monday, I will print out any emails I have sent to the City, and you'll need to do so as well.

Barbara

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:56 AM
To: Vantil, Barbara
Cc: Moore, Denise; Vantil, Barbara; Maraldo, Dean; Moore.Dennis@epa.gov
Subject: FW: 2013-006227/Portsmouth, OH

Hi Mery,

I sent the below information to the requester. Thursday, June 6, 2013 was my non paid off day. Sorry, not to send the email to confirm with Steve earlier. I was tied up on this case all day.

Thank you.

Sudhir Desai

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:44 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:57 AM
To: Vantil, Barbara
Cc: Moore, Denise; Vantil, Barbara; Maraldo, Dean; Moore.Dennis@epa.gov
Subject: FW: 2013-006227/Portsmouth, OH

Hi Mery,

I sent the below information to the requester. Thursday, June 6, 2013 was my non paid off day. Sorry, not to send the email to confirm with Steve earlier. I was tied up on this case all day.

Thank you.

Sudhir Desai

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:44 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

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Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 05, 2013 4:00 PM
To: Vantil, Barbara
Cc: Maraldo, Dean; Jackson, Mery; Moore, Denise
Subject: RE: 2013-006227 is due tomorrow - what is the status?

Hi Barbara,

I talked to Steve Canter yesterday. He agreed with my request for an extension of time to respond to his FOIA request by two weeks. Since I am tied up with the Portsmouth matter, I have not gotten around to notify others. But I will do it before I go home. I am here for another 4 hours.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 05, 2013 3:45 PM
To: Desai, Sudhir
Cc: Maraldo, Dean; Jackson, Mery; Moore, Denise
Subject: 2013-006227 is due tomorrow - what is the status?

Sudhir – you told me that the FOIA requestor has agreed to extend this deadline. Did you get that in an email? Please send Steve Cantor a note to confirm. We need to finish this next week so that Gary has time to review the docs. Denise and Mery need proof of the extension.

Thanks - Barbara

From: Jackson, Mery
Sent: Wednesday, June 05, 2013 3:28 PM
To: Moore, Denise
Cc: Maraldo, Dean; Vantil, Barbara
Subject: 2013-006177 is due today - what is the status?

Mery Jackson
jackson.mery@cpa.gov
312-886-3717

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 05, 2013 8:49 AM
To: Prichard, Gary
Subject: meeting/Portsmouth, OH

Hi Gary,

Please call me when you get a chance and have about 5 min. of your time.

Sudhir

Desai, Sudhir

Subject: Portsmouth, OH
Location: R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor

Start: Wed 6/5/2013 1:00 PM
End: Wed 6/5/2013 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Desai, Sudhir
Required Attendees: Vantil, Barbara; Prichard, Gary
Resources: R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor

We want to have a brain storming session on Portsmouth matter. Our approach on the case matter, etc.

Thank you.

sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 05, 2013 8:03 AM
To: RDuncan1@falcon1.net
Subject: Video-Lawson Run

Rick,

Thank you for the video. I got it now.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 3:17 PM
To: Vantil, Barbara
Subject: FW: Video/Portsmouth, OH Sewer-Lawson Run Sewer

Hi Barbara,

Just send him the reminder.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 3:15 PM
To: Desai, Sudhir; RDuncan1@falcon1.net
Subject: RE: Video/Portsmouth, OH Sewer-Lawson Run Sewer

Hi Rick,

I still need to get the video. Please help.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 1:46 PM
To: RDuncan1@falcon1.net
Subject: Video/Portsmouth, OH Sewer

Hi Rick,

Did you get a chance to send the video of your staff's investigation/video of Lawson Run sewer? I have not received it yet.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
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Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:21 AM
To: Desai, Sudhir
Subject: FW: City's latest attempt to answer the AOC

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]

Sent: Thursday, May 23, 2013 3:23 PM

To: Desai, Sudhir

Cc: Larry Essman; Bob Forrey; Maraldo, Dean; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Ruth Marasek; Sue Zoellner; Brenda McCane; Sandi Lawyer; Harald Daub fritzdaub@roadrunner.com; Rich Noel; Alan Barlow; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill; Sharon Bender; Austin Leedom; Chris Korleski; Fred Snell; scott.foster@epa.state.oh.us

Subject: City's latest attempt to answer the AOC

Hi Sudhir:

Larry and I are just now reviewing the latest Strand/Duncan debacle entitled a Facilities Plan dated April 2013 - which the public knew nothing about until yesterday when I received it. Actually it should be called a *Give More Public Monies to Strand for Nothing* plan.

We have a few questions just to begin:

1. Will anything go forward - including contracts - while we are digesting and objecting to this monstrosity?
2. You would not really consider the construction of an above ground detention pond on Grandview Avenue all around those homes, would you?

This is so looney tunes that we can't believe that they would not only put it in as one option...but would, in fact, select it!

When specifically asked at the public hearing in February, Mr. Duncan said it was a below ground basin. Now it's an above ground area that would have to be built below the level of basements in the area and receive raw sewage during excess flow periods.

I've copied this to some people who live right next door to, across the street and a few doors from the suggested sewage lagoon, stink hole, mosquito magnet, rat heaven (haven) - take your pick or picks!

Or am I missing something? Please advise.

3. Their proposal puts a new sanitary line on Dorman and connects to the Redwood Alley sanitary line. No one has been able to answer our question on whether those separate lines above (Indian Hills and east of it) combine before or at the confluence of Dorman, Shawnee and Coles Blvd. Can you please address this for us? What purpose does this new line serve?
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5. The downspout removal project has been a disaster for some residents...removals leading to seepage into neighboring homes. There has been no inspection. We will address this further, especially in that all properties in the city, not just residences, whose downspouts drain directly to the sanitary line have to be removed and rerouted...and not just the select 60+ houses on Grandview. Selective enforcement is illegal and unconstitutional.
4. Since Mr. Duncan has again failed his Class IV license, and since there is no position for him in government, can EPA shelve this stuff and work with the citizens and council on real solutions right now?

5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

M. Jane Murray

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]

Sent: Monday, June 03, 2013 8:18 AM

To: Maraldo, Dean; Prichard, Gary

Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill

Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

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For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

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Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 23, 2013 3:41 PM
To: Steve Sturgill
Subject: RE: City's latest attempt to answer the AOC

Please call at 847/949-0797. Thank you.

Sudhir

From: Steve Sturgill [ssturgill@zoomnet.net]
Sent: Thursday, May 23, 2013 3:38 PM
To: Desai, Sudhir
Subject: FW: City's latest attempt to answer the AOC

Sudhir,

Do you think we have a problem here?

Steve Sturgill

----- Forwarded Message

From: Jane Murray <mjanemurray@yahoo.com>
Reply-To: Jane Murray <mjanemurray@yahoo.com>
Date: Thu, 23 May 2013 13:22:55 -0700 (PDT)
To: Sudhir Desai <Desai.Sudhir@epamail.epa.gov>
Cc: Larry Essman <maraldo.dean@epamail.epa.gov>, Barbara VanTil <hedman.susan@epa.gov>, Ruth Marasek <brendamccane@yahoo.com>, Sandi Lawyer <slawyer59@gmail.com>, "Harald Daub noelricharde@hotmail.com", Alan Barlow <kevine1954@hotmail.com>, "Kevin W.W. Johnson" <ssturgill@zoomnet.net>, Sharon Bender <Chris.Korleski@epa.state.oh.us>, Fred Snell <scott.foster@epa.state.oh.us>
Subject: City's latest attempt to answer the AOC

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When specifically asked at the public hearing in February, Mr. Duncan said it was a below ground basin. Now it's an above ground area that would have to be built below the level of basements in the area and receive raw sewage during excess flow periods.

I've copied this to some people who live right next door to, across the street and a few doors from the suggested sewage lagoon, stink hole, mosquito magnet, rat heaven (haven) - take your pick or picks!

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5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

M. Jane Murray

----- End of Forwarded Message

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 23, 2013 3:36 PM
To: Vantil, Barbara
Subject: FW: City's latest attempt to answer the AOC

I just this e mail this pm from Jane Murray. Steve Sturgill gave the documents.

I will provide my comments to her after we have talked.

Thank you.

Sudhir

From: Jane Murray [mjanemurray@yahoo.com]
Sent: Thursday, May 23, 2013 3:22 PM
To: Desai, Sudhir
Cc: Larry Essman; Bob Forrey; Maraldo, Dean; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Ruth Marasek; Sue Zoellner; Brenda McCane; Sandi Lawyer; Harald Daub fritzdaub@roadrunner.com; Rich Noel; Alan Barlow; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill; Sharon Bender; Austin Leedom; Chris Korleski; Fred Snell; scott.foster@epa.state.oh.us
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5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

M. Jane Murray

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, May 22, 2013 5:40 PM
To: Vantil, Barbara
Subject: RE: Suggested responses to public comments

Thank you Barbara.

Sudhir

-----Original Message-----

From: Vantil, Barbara
Sent: Wednesday, May 22, 2013 5:33 PM
To: rduncan1@falcon1.net
Cc: David Malone; Foster, Scott; Desai, Sudhir
Subject: RE: Suggested responses to public comments

Hi, Rick - I am not sure Steve read the letter verbatim. Steve did hand the letter to the court reporter as he walked up, so she should have entered it into the record in its entirety. We really need to make sure we have the substance of that to ensure we have responded to the questions raised to the best of our ability.

Thanks - Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Wednesday, May 22, 2013 9:28 AM
To: rduncan1@falcon1.net
Cc: Vantil, Barbara; David Malone; Ruggles, Kris; John Lyons; Foster, Scott
Subject: RE: Suggested responses to public comments

That was not my impression though.

Thx.

Sudhir

-----Original Message-----

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Wednesday, May 22, 2013 9:22 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; David Malone; Ruggles, Kris; John Lyons; Foster, Scott
Subject: RE: Suggested responses to public comments

I believe Mr. Sturgill read his letter aloud at the public meeting and the text of his letter is included in the transcript. My suggested response to his comments are included in my email to you on Monday. I do not think I have a copy of his letter.

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, May 20, 2013 8:43 AM
To: 'rduncan1@falcon1.net'; David Malone
Cc: Vantil, Barbara; Foster, Scott; Hon. Gene Meadows; John R. Haas
Subject: RE: Portsmouth, OH Citizen's Complaint (L. Essman)

Hi Rick,

Thank you for following up on Prof. Essman's complaint. If you can find the ultimate solution to address his concerns, it will help all of us.

I am not aware of any ordinance that will indicate where and which direction the downspout should be placed. But I have seen that when inspecting the downspout disconnections, the City inspector will tell the owner not to create problems for the neighbor when monitoring progress of the work done by the neighbor.

During our last discussion, I told you that we all are sympathetic to your needs. It is the issue that you need to resolve with your managers. I know you have more than one consultant working for you and may be they can help you?

My management is concerned that we do **not** have an agreed Administrative Order on Consent (ACO) in place. We have been negotiating the ACO for more than an year.

Thank you.

Sudhir Desai
312/886-6704

From: rduncan1@falcon1.net [mailto:rduncan1@falcon1.net]
Sent: Sunday, May 19, 2013 8:54 PM
To: Desai, Sudhir; David Malone
Cc: Vantil, Barbara; Foster, Scott; Hon. Gene Meadows; John R. Haas
Subject: RE: Portsmouth, OH Citizen's Complaint (L. Essman)

Dear Mr. Desai:

The City received about 1.75 inches of rain Thursday (5/16/2013) within about 40 minutes (from about 2:50 to 3:30 pm). The attached chart shows the sewer level at 23rd and Grandview (top line) as well as the rainfall intensity (bottom line) for the same time period.

I am happy to hear that Professor Essman did not experience basement flooding on Thursday. I am sure that his concern about seepage into his basement is legitimate and it should be followed up on.

Regarding his suggestion of an ordinance to regulate downspout placement and direction, I do not know if the City has a specific ordinance to that effect, and I will look into it. If we do not, I would be happy to suggest one to City Council. If US EPA or Ohio EPA is aware of any similar ordinance that has been adopted elsewhere, please advise.

I have not spoken to the City worker that Mr. Essman spoke to. I do not believe he was a Wastewater Department employee. I don't think the "3 to 5 inches of rain" statement is correct, but it definitely was a lot of rain.

As you know the downspout disconnection program that Mr. Essman has repeatedly expressed concerns about was started at the strong insistence of Ohio EPA and USEPA during our negotiations of the Administrative Order on Consent. As you know I advised USEPA and Ohio EPA on several occasions that the City may have limited ability to follow up on the program, due to my current workload and the number of personnel in my department and the Engineering Department. So far I have been unable to impress upon the City's leadership the importance of providing additional staff in order to properly implement the requirements of the Administrative Order. Any assistance you can provide will be appreciated.

The water that Mr. Essman observed to be "shooting up" out of the storm sewers in the street in front his home is not related to the sanitary sewer that runs in the service strip behind his home. What he described was probably due to air in the street drains and storm sewers being forced out by the massive inrush of stormwater in a short time. This is not uncommon in storm sewers. This is not a SSO or basement flooding issue and did not involve any sanitary sewers.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense
City of Portsmouth

***** ATTACHMENT NOT DELIVERED *****

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image001.jpg
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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 6:00 PM
To: Andrew.Barienbrock@epa.state.oh.us
Cc: Foster, Scott
Subject: FW: Portsmouth, OH/Class IV Licence

Hi Andy,

Here is the message I was referring in my previous e mail.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Friday, May 17, 2013 12:39 PM
To: ,
Cc: RDuncan1@falcon1.net; Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: Portsmouth, OH/Class IV Licence

Hi Mayor Malone,

The folks at the OEPA informed me that that Mr. Duncan will not be getting his Class IV License. I will appreciate if you can advise me on impact of this event on operations of your Lawson Run waste water Treatment Plant. It is my understanding that Mike Shaw is assisting the City to meet its obligation in the interim on a temporary basis.

I am sorry to learn this news about Rick not getting his Class IV Licence at this time.

Please provide Portsmouth's input in this matter asap.

Thank you.

Sudhir Desai, USEPA, Region 5
Telephone Number: 312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 5:27 PM
To: Andrew.Barienbrock@epa.state.oh.us
Cc: Foster, Scott
Subject: FW: Portsmouth, OH/Class IV Licence

Hi Andy,

Here is a response to my question who will run the plant while Class IV Licensing process for Rick Duncan is being considered. My understanding was that Mike Shaw is the Operator in charge while his application is being reviewed by you folks. I wanted to make sure that the City has the Class IV operator as required by their permit.

Thank you and stay in touch.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Friday, May 17, 2013 4:58 PM
To: rduncan1@falcon1.net; DMalone@portsmouthoh.org
Cc: Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: RE: Portsmouth, OH/Class IV Licence

Hi Rick,

Thank you for your response. I am glad that Mike Shaw has agreed to provide the service in the interim. Good luck to you on your future submission.

Sudhir Desai

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Friday, May 17, 2013 4:46 PM
To: Desai, Sudhir; DMalone@portsmouthoh.org
Cc: Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: Re: Portsmouth, OH/Class IV Licence

Dear Mr. Desai:

I met with the Class IV Certification Review Board yesterday. We had a very positive discussion of my applications and my plans for the wastewater treatment plant.

The Board asked me for some additional information before approving my application. They advised that they will send me a letter indicating the specific information needed. I intend to respond the letter as quickly as possible and hope to receive a favorable response from the review board at that time.

Mr. Shaw has agreed to provide his services in the interim.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 4:59 PM
To: rduncan1@falcon1.net; DMalone@portsmouthoh.org
Cc: Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: RE: Portsmouth, OH/Class IV Licence

Hi Rick,

Thank you for your response. I am glad that Mike Shaw has agreed to provide the service in the interim. Good luck to you on your future submission.

Sudhir Desai

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Friday, May 17, 2013 4:46 PM
To: Desai, Sudhir; DMalone@portsmouthoh.org
Cc: Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: Re: Portsmouth, OH/Class IV Licence

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The Board asked me for some additional information before approving my application. They advised that they will send me a letter indicating the specific information needed. I intend to respond the letter as quickly as possible and hope to receive a favorable response from the review board at that time.

Mr. Shaw has agreed to provide his services in the interim.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 2:51 PM
To: David Malone; rduncan1@falcon1.net
Cc: Vantil, Barbara; Foster, Scott; Scott Foster
Subject: RE: Portsmouth, OH Citizen's Complaint
Attachments: image001.jpg

Good Afternoon Mayor Malone,

Thank you for your efforts to address my/Essman's concerns quickly. Portsmouth's City crew has the first hand knowledge of this event so it will give you a more **balanced** perspective of Mr. Essman's complaint. Please let me know what you decide to do ultimately in this matter. If no further action is needed, please let me know too.

Have a nice weekend.

Thank you.

Sudhir Desai

From: David Malone [DMalone@portsmouthoh.org]
Sent: Friday, May 17, 2013 2:26 PM
To: rduncan1@falcon1.net
Cc: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Scott Foster
Subject: FW: Portsmouth, OH Citizen's Complaint

Hey Rick,

Let's plan to discuss this matter in detail on Monday morning. I know that you will start your vacation on Thursday so if you can get here at 9:00 am (before the staff meeting) it would be great. I look forward to seeing you then.

David A. Malone

Mayor
728 Second Street Rm 1
Portsmouth, Ohio 45662
Ph. (740)354-8807 - Fx. (740)354-8809

From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]
Sent: Friday, May 17, 2013 1:27 PM
To: David Malone; RDuncan1@falcon1.net
Cc: Vantil, Barbara; Foster, Scott
Subject: Portsmouth, OH Citizen's Complaint

Hi Mayor Malone and Rick,

Professor Larry Essman reported that the storm occurred yesterday, May 16, 2013. He does not know how much rain fell since he was in his basement tending to the seepage that has been caused by the City's downspout removal program. He received seepage on both the North and South sides of his home. The neighbor on the North side of his home has actually cut a channel that

routes the downspout water directly toward their house rather than run the water into the grassy area in the front of her own house where it would be absorbed.

Per him, there is no follow up or regulation by City officials of the downspout removal program. The program has just created another problem. he don't think the average citizen is capable of assessing the effect of their downspouts on their neighbors. Unless the city develops some standards for downspout placement, these problems will continue. Per him, an ordinance should be adopted regulated downspout placement and direction.

A lot of rain fell between 3:00 and 3:30 yesterday afternoon. Water was shooting up from the sewer on 25th Street and also from the sewer in the middle of Grandview in front of our home. This is the first time he has witnessed it shooting up from the Grandview sewer. A city truck showed up about 3:45 and was inspecting the sewer on Grandview. The City's driver said they had received 3 to 5 inches of rain in less than an hour and other streets were also flooded. Fortunately the sewers did not back up into their basement, but they did have to deal with the seepage now.

Per him, he don't hold much hope anymore for resolution of the problem by the City. He really does not think they have the personnel competent to deal with the problem and Council never gets all the details.

He hope the EPA keep the pressure on the city. He feels that it is our only hope.

Mr. Essman's home address is as follows:

Larry And Loretta Essman
2417 Grandview
Portsmouth, OH

I will appreciate if you can investigate the above event and let me know what Portsmouth intends to do address his concerns. Please provide your response in writing.

Sudhir Desai
USEPA, Region 5/WECA
Telephone Number: 312/886-6704

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Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 2:05 PM
To: Andrew.Barienbrock@epa.state.oh.us
Cc: Foster, Scott
Subject: Class IV Licence/Portsmouth, OH/R. Duncan

Hi Andy,

Thank you for keeping me informed on the subject matter. Scott relayed the news about Rick Duncan.

My special thanks go to you and the members of your Board for examining the candidates on merits and performance of each candidate. I am proud of you folks.

Also, I have become more familiar with your application process. Scott has been a great help on this matter also.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 1:46 PM
To: RDuncan1@falcon1.net
Subject: Video/Portsmouth, OH Sewer

Hi Rick,

Did you get a chance to send the video of your staff's investigation/video of Lawson Run sewer? I have not received it yet.

Thank you.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 1:01 PM
To: Vantil, Barbara
Subject: RE: Storm, May 16, 2013

Hi Barbara,

Thank you for bringing it to my attention.

I wanted to see if Mr. Essman can be helped. He has been a vocal about seepage in his basement. My hope is in this matter is to see if the downspout readjustment can be instituted so as to have the downspout water going towards the curb. Mr. Essman is going through the serious health problems and they are life threatening events.

We have the FOIA request seeking the information but not from **her**. The FOIA request came from Steve Canter.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Friday, May 17, 2013 12:34 PM
To: Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: Storm, May 16, 2013

Hi, Sudhir – please be cautious in how you reply to Ms. Murray, and to the City. We don't want to unintentionally make the tension worse here.

How have you responded to her requests asking you to get certain reports from the City and email copies to her? While we want to be transparent, I am concerned that we may be communicating with the City on her behalf.

Thanks - Barbara

From: Desai, Sudhir
Sent: Friday, May 17, 2013 12:30 PM
To: Vantil, Barbara
Subject: FW: Storm, May 16, 2013

Hi Barbara,

I realized that she is not cc you all the correspondence. I want to share this information with you.

I sent a letter to the City today requesting to investigate this matter and get back to us.

Thank you.

Sudhir

From: Jane Murray [mjanemurray@yahoo.com]

Sent: Friday, May 17, 2013 11:05 AM

To: L Essman; Desai, Sudhir

Cc: ssurgill@zoomnet.net; kwwj@roadrunner.com; councilmembermeadows@gmail.com; kevine1954@hotmail.com; Rich@saddler.me; Maraldo, Dean; Andrew Barienbrock; scott.foster@epa.state.oh.us

Subject: Re: Storm, May 16, 2013

Sudhir:

Your email bounced back as Larry sent it so I'm resending and adding a couple of people to the distribution list.

Jane

M. Jane Murray

From: Jane Murray <mjanemurray@yahoo.com>

To: L Essman <Desai.Sudir@epamail.epa.gov> <Desai.Sudir@epamail.epa.gov>

Cc: "ssurgill@zoomnet.net"; "kwwj@roadrunner.com"; "councilmembermeadows@gmail.com"; "kevine1954@hotmail.com"; "Rich@saddler.me"; Dean Maraldo <maraldo.dean@epamail.epa.gov>

Sent: Friday, May 17, 2013 12:00 PM

Subject: Re: Storm, May 16, 2013

Sudhir:

Would you please get the rainfall and bypass reports as well and email copies?

Thank you.

Jane

M. Jane Murray

From: L Essman <lessman@roadrunner.com>

To: Desai.Sudir@epamail.epa.gov

Cc: ssurgill@zoomnet.net; kwwj@roadrunner.com; councilmembermeadows@gmail.com; kevine1954@hotmail.com; Rich@saddler.me; Jane Murray <mjanemurray@yahoo.com>

Sent: Friday, May 17, 2013 11:56 AM

Subject: Storm, May 16, 2013

Sudir,

Jane indicated you wanted information on the storm that occurred yesterday, May 16, 2013. I do not know how much rain fell since I was in my basement tending to the seepage that has been caused by the City's downspout removal program. I received seepage on both the North and South sides of my home. The neighbor on the North side of our home has actually cut a channel that routes the downspout water directly toward our house rather than run the water into the grassy area in the front of her own house where it would be absorbed.

There is no follow up or regulation by City officials of the downspout removal program. The program has just created another problem. I don't think the average citizen is capable of assessing the effect of their down

spouts on their neighbors. Unless the city develops some standards for downspout placement, these problems will continue. An ordinance should be adopted regulated downspout placement and direction.

A lot of rain fell between 3:00 and 3:30 yesterday afternoon. Water was shooting up from the sewer on 25th Street and also from the sewer in the middle of Grandview in front of our home. This is the first time I have witnessed it shooting up from the Grandview sewer. A city truck showed up about 3:45 and was inspecting the sewer on Grandview. The driver said we had received 3 to 5 inches of rain in less than an hour and other streets were also flooded. Fortunately the sewers did not back up into our basement, but we did have to deal with the seepage now.

We don't hold much hope anymore for resolution of the problem by the City. We really don't think they have the personnel competent to deal with the problem and Council never gets all the details.

We hope you and the EPA keep the pressure on the city. We feel it is our only hope.

Thank you for all your efforts to date.

Larry And Loretta Essman
2417 Grandview
Portsmouth

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 12:40 PM
To:
Cc: RDuncan1@falcon1.net; Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: Portsmouth, OH/Class IV Licence

Hi Mayor Malone,

The folks at the OEPA informed me that that Mr. Duncan will not be getting his Class IV License. I will appreciate if you can advise me on impact of this event on operations of your Lawson Run waste water Treatment Plant. It is my understanding that Mike Shaw is assisting the City to meet its obligation in the interim on a temporary basis.

I am sorry to learn this news about Rick not getting his Class IV Licence at this time.

Please provide Portsmouth's input in this matter asap.

Thank you.

Sudhir Desai, USEPA, Region 5
Telephone Number: 312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 12:30 PM
To: Vantil, Barbara
Subject: FW: Storm, May 16, 2013

Hi Barbara,

I realized that she is not cc you all the correspondence. I want to share this information with you.

I sent a letter to the City today requesting to investigate this matter and get back to us.

Thank you.

Sudhir

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To: L Essman; Desai, Sudhir
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To: L Essman <lessman@roadrunner.com>; "Desai.Sudir@epamail.epa.gov" <Desai.Sudir@epamail.epa.gov>
Cc: "ssturgill@zoomnet.net" <ssturgill@zoomnet.net>; "kwwj@roadrunner.com" <kwwj@roadrunner.com>; "councilmembermeadows@gmail.com" <councilmembermeadows@gmail.com>; "kevine1954@hotmail.com" <kevine1954@hotmail.com>; "Rich@saddler.me" <Rich@saddler.me>; Dean Maraldo <maraldo.dean@epamail.epa.gov>
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2417 Grandview
Portsmouth

Desai, Sudhir

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To: ; RDuncan1@falcon1.net
Cc: Vantil, Barbara; Foster, Scott
Subject: Portsmouth, OH Citizen's Complaint

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I will appreciate if you can investigate the above event and let me know what Portsmouth intends to do address his concerns. Please provide your response in writing.

Sudhir Desai
USEPA, Region 5/WECA
Telephone Number: 312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 10:55 AM
To: Newport, Robert; Prichard, Gary
Cc: Desai, Sudhir
Subject: FW: The Lower Mill Creek and Africa
Attachments: 2013 Hargrove FAU Global Solutions May 13 13 Hershel.pdf, May 18th 2013 Briefing.jpg

FYI.

Thank you.

Sudhir Desai

From: Hershel Daniels [hershel@hargroveengineering.com]
Sent: Friday, May 17, 2013 10:23 AM
To: Vantil, Barbara
Cc: Desai, Sudhir; chris.monzel@hamilton-co.org; todd.portune@hamilton-co.org; Greg Hartmann; kellie.wise@hamilton-co.org; jacqueline.panioto@hamilton-co.org; gena.bell@hamilton-co.org; kathy.binns@hamilton-co.org; lisa.webb@hamilton-co.org; christian.sigman@hamilton-co.org; mary.gruber@hamilton-co.org; maind@hcdc.com; roxanne qualls; Councilman Wendell Young; Yvette.Simpson@cincinnati-oh.gov; PG.Sittenfeld@cincinnati-oh.gov; pam.thomas@cincinnati-oh.gov; Charlie Winburn; Chris.Seelbach@cincinnati-oh.gov; aure.quinlivan@cincinnati-oh.gov; christopher smitherman; clerkofcouncil@cincinnati-oh.gov; Mark Mallory; Lea Eriksen; citymanager@cincinnati-oh.gov; Michael Cervay
Subject: The Lower Mill Creek and Africa

17 May 2013

Barbara VanTil,
Section Chief for Enforcement
Water Division
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Barbara VanTil,

Greetings.

EPA had opened a public comment period on the request of the Hamilton County Board of Commissioners and the city of Cincinnati for approval of a revised proposal for controlling combined sewer overflows in a portion of Lower Mill Creek. If approved, Hamilton County and Cincinnati would be allowed to pursue that plan as a substitute for a deep tunnel-based solution outlined in the original, court-ordered wet weather control plan.

We responded with a 119 page comment that was led off by the reply by the President of the United States on Feb 7th 2012 to my MLK 2013 Day of Service Pledge to create a trillion dollar solution [\$200B in Infrastructure and over \$100B in Housing sewer reductions and green sustainability support] to problem using his executive authority. We would like to know your response as we have not heard back from you.

In addition we in our comment to green solutions that build a sustainable world from a Cincinnati based HQ we had offered to do the Lower Mill Creek project for a fixed capped price of \$235M using our exclusive technology and financing team.

This year, 2013, with MWH Global we repeated our pledge to do so to Commissioner Todd Portune and although scheduled with Councilman Young a mix up occurred and we did so to his AA.

At this time we would like to setup a meeting to implement a formal relationship to save the local ratepayers in Hamilton County money not only in Ohio but on all these type projects whereas we will provide a fixed price solution through our patented sewer solutions with USPTO 5,577,042 embedded in a secure sewer control solutions. MSD said last year they would not sign a non disclosure on this job creating technology invested in Cincinnati in 1995 at 5th and Race. We stand ready to meet with the elected officials, government employees and ratepayers on this issue.

Enclosed is a backgrounder.

We have since the comment period assembled a team that is finalizing the infrastructure to create public private partnerships for situations like that in Cincinnati and countries like Ghana and look forward to discussing it with you. On Monday we will proposing framework in the creation of a solution that saves the ratepayers money in Hamilton County. It is part of our plans to create a Friends of the African Union network of Centers of Excellence in Sewers, Water, Power and Green Solutions with the African Scientific Institute HQ in Mt Auburn on building plans already completed and ready for funding.

We based our plan of work done for Africa with a focus on Ghana, South Africa and Senegal as well as the Americas, principally the USA, Haiti and Bermuda. As many of you know at one time I was the Chief of Staff, Technology for the Honorable David Morrow Senior Honorary Counsel for the Republic of Guinea to the United States of America.

The State Department, in collaboration with several co-sponsors, US EPA as one, hosted the U.S.- Africa Business Conference in Cincinnati, Ohio, June 21-22 2012, at the Westin Cincinnati Hotel. We are also one of the few African American firms invited by the US State Dept. at this conference to sell our expertise at the conference. Here the US EPA was touting MSD as a example of American expertise that could be used by Africa.

The conference showcased both U.S. business expertise to potential African clients, and highlighted trade and investment opportunities in Africa to U.S. exporters and investors. We looked forward to holding the conference in Cincinnati, which was selected as the conference location for its potential to increase commercial partnerships with Africa at local, state, and regional levels. We have been following up on that and have landed several potential contracts that will bring over 500 jobs in Ohio.

Furthermore, we will in this year of the 50th Anniversary of the African Union look to setup a Ohio based global STEM Center of Excellence in Sewers, Water, Power and Green Solutions that would service the Americas, Asia and focus on Africa with the US EPA.

If you have any questions please feel free to call.

Cc:

Sudhir Desai, EPA

Hamilton County Commissioners

City of Cincinnati Councilpersons

Mayor of Cincinnati

Hamilton County Administrator

City of Cincinnati Manager

City of Cincinnati Community Development Director [assigned by city manager to Hargrove's Plans in 2010]

when we made original proposal to MSD in June 2010 to create an Alliance]

Regards,

/s/ **hershel daniels junior**

HERSHEL DANIELS, JUNIOR
513.917.7016

- * Chairman, Friends of the African Union
- * Business Development Director at Hargrove Engineering, LLC [MBE AEC/GC ICT Consultant]
- * Mt Auburn Community Council Trustee
- * Certified Lay Servant in the United Methodist Church [UMC] and President of the United Methodist Men of Keys of the Kingdom UMC
- * Board of Director Member at Martin Luther King, Jr. Coalition of Cincinnati
- * Trustee at Cincinnati Change and one of the Visionaries at the Cincinnati Change Ohio Fairness and Growth Campaign
- * Member of the National Community Reinvestment Coalition
- * Member of the National Association of Black Veterans, Cincinnati Chapter, the Cincinnati Black Brigade

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify Hershel Daniels, Junior c/o Hargrove Engineering at hershel@hargroveengineering.com

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 17, 2013 10:47 AM
To: Foster, Scott
Subject: RE: Portsmouth Class IV

Thank you for sharing the information. Sorry to hear the news.

Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Friday, May 17, 2013 9:56 AM
To: Desai, Sudhir
Subject: Portsmouth Class IV

Sudhir:

I thought I would let you know that Mr. Duncan will not be getting his Class IV for a while. I spoke with Mr. Barienbrock this morning and he said to let you know. He also said a letter with what they will require of Mr. Duncan to do will be going out in a week or 2. If I get a copy, I will pass it along. Have a good weekend.

Scott Foster

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 16, 2013 2:22 PM
To: Vantil, Barbara
Subject: Portsmouth, OH/Class IV Licence

Hi Barbara,

Rick Duncan did not get the Class IV License.

Thx.

Sudhir

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 16, 2013 1:17 PM
To: 'Foster, Scott'
Subject: RE: Public Comments to Portsmouth Ohio DAO

Hi Scott,

Looks like she knows her business. Or maybe she has the best advisors?

Thank you.

Sudhir

From: Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]
Sent: Thursday, May 16, 2013 1:09 PM
To: Desai, Sudhir
Subject: RE: Public Comments to Portsmouth Ohio DAO

It is interesting. Whomever submitted it seems to know the business of finance and engineering.

From: Desai, Sudhir [<mailto:desai.sudhir@epa.gov>]
Sent: Thursday, May 16, 2013 1:58 PM
To: Foster, Scott
Subject: FW: Public Comments to Portsmouth Ohio DAO

Hi Scott,

Here is the request that I received from Ms. Carter. You want to chime in on this issue? Is it from Canter or Carter?

Interesting?

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Friday, May 03, 2013 12:03 PM
To: Desai, Sudhir
Subject: FW: Public Comments to Portsmouth Ohio DAO

From: Taryn [tegnier@enveng.com]
Sent: Friday, May 03, 2013 7:51 AM
To: Desai, Sudhir
Cc: Frank Leone; Steve Canter; dmalone@portsmouthoh.org; ssturgill@zoomnet.net
Subject: Public Comments to Portsmouth Ohio DAO

Dear Mr. Desai,

In response to your request that we provide comment regarding Portsmouth LTCP, please find attached a list of questions which need to be evaluated.

These questions represent issues which need to be clarified in order for the City of Portsmouth to have a clear understanding of its long term obligation.

Feel free to call Frank Leone or Steve Canter should you have any questions.

Sincerely,

Taryn Carter
Environmental Engineering Service
3575 Columbia Rd.
Lebanon, Ohio 45036
PH: (513) 934-1512
Fax: (513) 934-1515

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 16, 2013 12:58 PM
To: 'Foster, Scott'
Subject: FW: Public Comments to Portsmouth Ohio DAO
Attachments: OEPA-WPCLF Submission memo 2.27.13.pdf

Hi Scott,

Here is the request that I received from Ms. Carter. You want to chime in on this issue? Is it from Canter or Carter?

Interesting?

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Friday, May 03, 2013 12:03 PM
To: Desai, Sudhir
Subject: FW: Public Comments to Portsmouth Ohio DAO

From: Taryn [tegnier@enveng.com]
Sent: Friday, May 03, 2013 7:51 AM
To: Desai, Sudhir
Cc: Frank Leone; Steve Canter; dmalone@portsmouthoh.org; [ssturgill@zoomnet.net](mailto:sssturgill@zoomnet.net)
Subject: Public Comments to Portsmouth Ohio DAO

Dear Mr. Desai,

In response to your request that we provide comment regarding Portsmouth LTCP, please find attached a list of questions which need to be evaluated.

These questions represent issues which need to be clarified in order for the City of Portsmouth to have a clear understanding of its long term obligation.

Feel free to call Frank Leone or Steve Canter should you have any questions.

Sincerely,

Taryn Carter
Environmental Engineering Service
3575 Columbia Rd.
Lebanon, Ohio 45036

PH: (513) 934-1512

Fax: (513) 934-1515

QUESTIONS REGARDING OEPA – WPCLF SUBMISSION INFORMATION

- How can the City proprot to be seeking “Principle Forgiveness” when it doesn’t meet the threshold requirements as defined by OEPA?
- How can the City request a 30 year amortization for its WPCLF borrowing when the maximum term as defined by OEPA is 20 years?
- The submissions by the City to the WPCLF Program request the borrowing of \$4.59M for the so called Phase I Projects. Based on the WPCLF loan terms (without “Principle Forgiveness”) what is the maximum annual Debt Service Payment for the Phase I Projects?

QUESTIONS REGARDING THE DAO

- What are the potential sanctions/ penalties associated with non-compliance with the DAO either with items or time schedules?
- What are the anticipated costs associated with the development of the required MOM and the implementation of the MOM elements?
- Do the commitments identified in the current DAO end the City’s requirements for further LTCP and/or CSO elimination?
- What is the current status of an approvable LTCP for the City of Portsmouth?
- Is there a specific federal threshold (i.e. % of MHI) above which the City will not be required to comply with LTCP/ CSO elimination implementation?

QUESTIONS REGARDING PUBLIC MEETING PRESENTATIONS

- The presentations left the clear impression that the commitments made by execution of the DAO were only targets subject to “fairly simple” adjustment. Is this the position of USEPA?
- The presentation represented that the work completed toward the satisfaction of the DAO is a new LTCP. Is this the position of USEPA?
- The presentation represented that the “308” request initiated by USEPA is “fairly routine” practice of no major significance. Is this a factual characterization of the document?
- The presentation left the clear impression that the City’s obligation to USEPA for LTCP/CSO elimination is limited to expenses up to those fundable by sewer rates of 2% of MHI. Is this the position of USEPA?
- The presentation indicated that the immediate focus of CSO #2 (rather than smaller up stream CSO projects which would reduce the problem at CSO #2) is a focus being required by EPA. Is that true?
- The presentation described the potential project to separate all 33 sanitary sewer connections from the Lawson Run Storm Sewer as a “fairly affordable project”. Has the City provided any documentation estimating this “fairly affordable” project?

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 16, 2013 12:27 PM
To: 'rduncan1@falcon1.net'
Cc: 'David Malone'; Vantil, Barbara; Scott Foster; Ruggles, Kris; John Lyons
Subject: RE: Public Comment/Portsmouth, OH and comments from "Ms. Carter"

Hi Rick,

I will wait for your feedback on the rest of the comments. Good luck to you on your to do list.

The email came from Teryn Carter (though she ccd to Steve Canter And Frank Leone) and not from Environmental Engineering Service. You do not have to attend the public meeting to provide the feedback. So I am counting it as the comment from Teryn Carter and not from Steve Canter and Frank Leone.

Thank you.

Sudhir Desai
312/886-6704

-----Original Message-----

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Wednesday, May 15, 2013 7:19 AM
To: Desai, Sudhir
Cc: 'David Malone'; Vantil, Barbara; Scott Foster; Ruggles, Kris; John Lyons
Subject: Re: Public Comment/Portsmouth, OH and comments from "Ms. Carter"

Sudhir:

I am glad my responses to the first batch were helpful.

I have drafted a response to the rest and I will try to get it to you ASAP. I have a big to-do list today in addition to preparing for my meeting with the Class IV board tomorrow.

Also just to clarify: The comments from "Ms. Carter" are actually from Environmental Engineering Service. Steve Canter and Frank Leone from EES attended the public meeting. Ms. Carter did not.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Thursday, May 16, 2013 11:50 AM
To: Desai, Sudhir
Subject: FW: FOIA update
Attachments: FOIA(s) -May - 2013.docx

From: Jackson, Mery
Sent: Thursday, May 16, 2013 7:49 AM
To: Chico, Anita; Moore, Denise; Hardin, Fredia; Jamison, Tracy; Jones, Roslyn; Johnson, Joyce; Cannon, Kendall; Davis, Lillie; Tschampa, Andrew; Vantil, Barbara; Cozza, Daniel; Pfeifer, David; Maraldo, Dean; Baltazar, Debbie; Pierard, Kevin; Holst, Linda; Perenchio, Lisa; Gluckman, Matthew; Jackson, Mery; Damato, Nicholas; Kuefler, Patrick; Swenson, Peter; Harvey, Rebecca; Bair, Rita; Bahr, Ryan; Ramach, Sean; Jann, Steven; Marquardt, Steve; Poy, Thomas; Henry, Timothy; Hyde, Tinka; Melgin, Wendy
Cc: Azevedo, George; White, Quintin; Pellegrini, Janet; Desai, Sudhir; Robinson, Valoria; Hansen, Janette; Wawczak, Jeffrey; Wirick, Holiday; Schulenberg, David; Lausted, Andrew; Bauer, Candice
Subject: FOIA update

If you cannot make your FOIA due date, request an extension from the requester – requester must agree & confirm

If processing your FOIA is higher than the current fee commitment, request a higher fee commitment from requester and inform them the request will be put on hold pending fee commitment

If what requester is asking for is vague, contact requester to get clarification

All communication must be confirmed in writing from requester – cc me only on confirmations from requester.

Please work with your branch APA of the FOIA contact in your branch

Thanks, mj

Mery Jackson
jackson.mery@epa.gov
312-886-3717

Water Division FOIA(s)

Tuesday, July 16, 2013

Front Office

NPDES Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
2/28/13	2013-004018	G. azevedo	5/24/13	WPDES permit	
3/18/13	2013-004465	s. ramach	5/17/13	Dayton power	
5/4/13	2013-005049	I. davis	5/31/13	CSO	
5/10/13	2013-005269	q. white	5/2013	Mclouth steel	On hold
5/17/13	2013-005497	i. davis	5/15/13	Blending rule	
				Enf provide input	
5/4/13	2013-006337	i. davis	6/10/13	CAFO workplan	
5/2/13	2013-006046	j. pellegrini	5/31/13	Peabody Midwest mining	

Enforcement Branch

4/11/13	2013-005351	d. moore	5/2013	Heritage WTI	On hold
5/4/13	2013-006227	s. desai	6/6/13	City of portsmouth	
5/2/13	2013-006018	d. moore	5/31/13	308 letters	

Groundwater/Drinkingwater Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status

UIC Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
5/30/13	2013-005814	v. robinson	5/23/13	UIC program	
5/30/13	2013-005855	j. hansen	5/23/13	Futuregen alliance	
5/10/13	2013-006340	j. wawczak	6/10/13	UIC permit	

Water Quality Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
4/17/13	2013-005468	c. bauer	5/2013	Chloride toxicity	On hold
4/17/13	2013-005510	h. Wirick	5/2013	Mixing zones	

Wetland/Watershed Branch					
Date to Division	FOIA #	Assignee	Due Date	Subject	Status
4/30/13	2013-005804	d. schulenberg	5/23/13	Osborne riverside commons	
State & Tribal Branch					
Date to Division	FOIA #	Assignee	Due Date	Subject	Status
5/4/13	2013-006118	a.lausted	6/4/13	Grant- ashtabula, ohio	
5/4/13	2013-005887		5/29/13	City of fort wayne	Assignment pending

Complex Track: Because of the large amount of responsive documents, due date is flexible

United States

REGION 5

Environmental Protection

77 WEST JACKSON BOULEVARD

Agency

CHICAGO, IL 60604-3590

PUBLIC NOTICE

Rowell Chemical Corporation
10100 S. Archer Avenue
Willow Springs, Illinois
Case Docket No.

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of its intent to file a Proposed Consent Agreement and Final Order (Proposed CAFO) against Rowell Chemical Corporation (Respondent) for violations of the Clean Water Act. In 2011, Illinois Environmental Protection Agency referred the Rowell Chemical Corporation to U.S. EPA for potential effluent discharge violations of Respondent's National Pollutant Discharge Elimination System (NPDES) Permit No. IL0066613 requirements promulgated under the Clean Water Act. The Respondent discharges pollutants to Chicago Sanitary and Ship Canal which enters to the Des Plaines River. This Proposed CAFO will settle civil violations alleging that the Respondent exceeded daily maximum limits and monthly average limits for total suspended solids, total iron and biochemical oxygen demand in the effluent discharged from its facility in Willow Springs, Illinois. The U.S. EPA and Respondent have agreed in principle that Respondent will pay a civil penalty of \$36,300 to resolve these violations.

A copy of the Proposed CAFO may be viewed on-line at:

<http://www.epa.gov/region5/publicnotices/index.htm> by clicking on the "complaint (PDF)" link at the Public Notices home page for the docket number identified above. Alternatively, the CAFO may be received by contacting the Regional Hearing Clerk at the address listed below.

OPPORTUNITY FOR COMMENT:

Section 309(g) of the CWA, 33 U.S.C. §1319(g) requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment on it. Any person who wishes to comment on this proposed CAFO may submit written comments, may attend or present evidence at any hearing scheduled on this matter, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. 22.45), particularly subpart (C) *Comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>. A link to this site is also available at <http://www.epa.gov/region5/publicnotices/index.htm>, which is the site at which this notice and the associated complaint are also posted. The link is entitled "View 40 CFR Part 22.45". You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of

practice governing the administrative assessment of civil penalties.

Comments should be made in writing to the Regional Hearing Clerk at:

Docket No.
Regional Hearing Clerk
Mail Code E-19J
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk electronically, by mail, or by delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://epa.gov/region5/publicnotices/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that the Agency requires your regular mailing address, since we must use the U.S. Postal Service should we need to reply, request additional information or notify you of a hearing. If you wish to include any kind of attachments with your comment, please mail them instead to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them **all written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the "Comment Period End Date:" shown on the Public Notices home page for this docket number:**

<http://www.epa.gov/region5/publicnotices/index.htm>

Comments and documents sent to any U.S. EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the U.S. EPA Regional Office. An appointment for such an inspection may be made by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If this Proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, time, and place of the hearing, which they

may attend and present evidence on the appropriateness of the proposed penalty assessment by following the instructions in 40 C.F.R. 22.45(c)(1).

The U.S. EPA will send a copy of the Proposed Consent Agreement and Final Order assessing a penalty to any persons who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who during the comment period submit written comments or ask to participate in any hearing held in this matter preserve a right to petition the Regional Administrator to set aside the Consent Agreement and Proposed Final Order on the basis that material evidence was not considered, as described in 40 C.F.R. 22.45(c)(4).

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, May 13, 2013 2:08 PM
To: Vantil, Barbara
Cc: Desai, Sudhir
Subject: RE: Portsmouth, OH

Hi Barbara,

Here is my comment to Rick's memorandum to Mayor Malone dated April 19, 2013.

Here are the comments.

Mr. Richard Duncan,

Thank you for sharing your memorandum of April 19, 2013 to Mayor Malone.

The purpose of this memorandum was to provide additional information requested by Steve Sturgil (Portsmouth Council President) related to the proposed administrative order on Consent (AOC) and future projects Portsmouth will be committing to comply with the Clean Water Act Requirements.

I reviewed your comments and would like to provide the following comments.

Financing

The regulators did advocate for Portsmouth to acquire funding through the Division of Environmental and Financial Assistance (DEFA). During the **meetings and conference calls** with the DEFA, it was made very clear to all of us that Portsmouth does not qualify for the principal forgiveness funding but may qualify for the low interest loan only. You were present during those meetings.

Major Projects in the AOC

25 th and Coles Blvd Detention Basin (Apex Consulting Group)

Portsmouth approved the purchase of the property owned by Ms. Holsinger and the City is in a process of preparing the deed. This appears to be positive step in the right direction. It is important for the regulators to know when this milestone will be achieved.

Milestone number 11 (page 10 of the ACO) requires you to execute engineering agreement to design the above project. The due date to submit the executed agreement to the EPA in the **proposed** ACO is June 1, 2013. Please provide the above document by June 1, 2013. Please share the necessary technical information and basis of cost estimates, etc. with the agreement.

2300 block of Grandview storage/Sewer Lining (Strand Associates)

You have indicated in this submission that the Alternative D, Sewer separation and above ground storage project at a cost of \$2,795,000. This is the recommended option by the consultant.

Milestone Number 11 (page 10) of the proposed AOC requires you to execute the engineering agreement for the planning of 2300 block of Grandview storage projects and submit a copy of the agreement to the EPA and OEPA. The proposed ACO indicates that this milestone has been achieved. However, I have not received the **full** information yet. I had requested you to provide the supporting technical documents to support the projects. It appears that the City continues to have problems to provide technical documents. The document is not responsive to my requests. Listing the name of the project, a contractor's name and costs is not sufficient to review the project and provide meaningful comments.

North Mooreland/Munn's Run sewer Lining Project (Howerton Engineering)

You have kept us informed on the progress of the project during the conference calls. However, the proposed ACO requires you to submit the executed construction contract for the project. The ACO indicated that this milestone has been achieved. However, Portsmouth has not submitted the executed agreement yet.

Phase 2: North Mooreland/Munn's Run Manhole Lining

You have indicated in your letter that this project will be bidded in May 2013. Here again, no technical details other than just the name of the project and cost of the project.

Other AOC Components

Lawson Run Separation Feasibility Study

It appears this is an important project. I am glad the City is giving consideration to this project. But it is important to note that Portsmouth in their submission to the EPA in 2009, Strand Associates indicated that it examined a number of ways to address the issue of surcharging of Lawson Run Sewer and recommended the following projects:

1. Upper Lawson Run Sewer Separation at a cost of \$40.5 to \$54,000,000
2. Storage/convey stormwater to Scioto River at a cost of \$17.00 to \$52,700,000
3. Tunnel to Scioto River at a cost of \$21 to 28,620,000
4. Ground water Discharge Not feasible

Strand indicated that these projects were prohibitively expensive to the City.

You have indicated that the City intends to conduct a feasibility study. I am surprised why city needs to do another feasibility study to study the same issue? The City has most of the information at this point in their hands. I recommend that the City should plan to use the information in their submission in 2009 and provide a written response to the regulators what additional information is needed over and above the information contained in their 2009 submission and reports prepared by other consultants.

In addition, the City claims that this response and the attachment is responsive to Mr. Steve Sturgill's request. Mr. Sturgill requested the Agency to extend the public comment period for an additional 60 days (to May 3, 2013). Mr. Sturgill requested Mr. Duncan to provide breakdown of the capital costs for each alternatives as they relate to the planning and design and construction of these projects and all correspondence related to these projects with the consultants. The information was requested within fifteen days from the public meeting on February 12 2013. Based on review of the information submitted, I have concluded that the information as submitted is incomplete and not fully responsive to Mr. Sturgill's request.

The facilities Planning appears to be a summary of the findings of reports prepared by various consultants and description of the existing sewer system and waste water treatment plants, various projects for funding, among others. The report does not contain the necessary information to meet expectations under the Clean Water Act. It appears that the report will be reviewed by DEFA to meet their own requirements.

Please review my comments and discuss it tomorrow.

Thank you.

Sudhir Desai

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, May 13, 2013 11:27 AM
To: rduncan1@falcon1.net
Cc: Vantil, Barbara; Jennifer Witte; David Malone; john lyons; Ruggles, Kris; Scott Foster
Subject: RE: Lawson Run Video

Hi Rick,

I cannot say that you are not responsive to my request. You continue to provide the information.

However, with your years of experience, I believe your comments will be value added in my professional judgement. Your staff's comments are equally important to us.

I do understand the current situation you are in. Good luck to you. If I can be any help, please let me know and I will do my best.

Thank you.

Sudhir Desai
312/886-6704

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Monday, May 13, 2013 10:48 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; Jennifer Witte; David Malone; john lyons; Ruggles, Kris; Scott Foster
Subject: RE: Lawson Run Video

Sudhir-

We did not use a contractor to make this video. We did it with in-house personnel.

As far as adding comments, I hope you don't think I am being non-responsive, but I really do not have the time to do that.

I believe Mr. Smith (the employee in the sewer) provided very helpful comments as he was video recording his journey.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, May 13, 2013 7:19 AM
To: rduncan1@falcon1.net; Scott Foster
Cc: Vantil, Barbara; Jennifer Witte; David Malone; john lyons; Ruggles, Kris
Subject: RE: Lawson Run Video

Thank you Rick. I look forward to watch the video. Please include your and or your contractor's comments if you can when you send the video.

Sydgur Desai

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Saturday, May 11, 2013 9:14 AM
To: Desai, Sudhir; Scott Foster
Cc: Vantil, Barbara; Jennifer Witte; David Malone; john lyons; Ruggles, Kris
Subject: Lawson Run Video

Sudhir and Scott:

The video files will be mailed to you Monday morning. They are too big for me to email.

If anyone else wants a copy let me know.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 12:42 PM
To: ; RDuncan1@falcon1.net
Cc: Vantil, Barbara; Foster, Scott; jennifer.witte@state.oh.us
Subject: FW: A friend recommended this for you on Portsmouth Daily Times

Hi Mayor Malone and Rick,

The following article in the Portsmouth Daily Times was shared by Scott Foster of the OEPA with me and Barbara. I would like to have a feed back from the City on the following questions:

1. Mr. Hamilton of the Village of New Boston, OH claims that (some of) the Portsmouth sewers are plugged. Is his allegation accurate?
2. if there are sewers are plugged, please prepare a report for the Agency to review and future follow up actions. The report must indicate plugged sewer locations, size of each plugged sewer, how you intend to clear the plugged sewers, a time frame in which it will be accomplished. Please provide the beginning and end date of the project(s), and costs associated with it. Please note that your NPDES permit and the Clean Water Act prohibits SSOs.
3. Scott Foster had indicated that Portsmouth suffered sanitary sewer overflows most recently because of rain event. The City should seriously think about the future actions it plans to initiate to address this matter. Is the ACO proposal goes far enough to address this matter?

Thank you.

Sudhir Desai
USEPA, Region 5
Telephone Number: 312/886-6704

From: Portsmouth Daily Times [customercare@matchbin.com]
Sent: Friday, May 10, 2013 6:46 AM
To: Desai, Sudhir; Vantil, Barbara; Jennifer.Witte@epa.ohio.gov
Subject: A friend recommended this for you on Portsmouth Daily Times

Scott Foster (Scott.Foster@epa.ohio.gov) wanted to share this with you

Village receives \$2M grant for sewer project

Portsmouth Daily Times

05.10.13 - 01:00 am

Ryan Scott Ottney

PDT Staff Writer

New Boston Village Administrator Steve Hamilton told members of Village Council during their meeting Tuesday evening that New Boston will receive a \$2 million grant for sewer projects. New Boston is the only community in Ohio to receive the grant, he said, but the village still needs \$1 million more to complete the project which is required by the Environmental Protection Agency (EPA).

Part of the sewer problem comes from blocked ...

[Click here to read the entire article](#)

Thanks for reading!
Portsmouth Daily Times

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:42 AM
To: Amber.Finkelstein@epa.state.oh.us
Subject: FW: February 12, 2013 meeting transcript
Attachments: ATT00001.txt; Comments from pub mtg feb-2013.pdf

Hi Amber,

My earlier message was bounced and I am trying it again to share the message with you.

Thx.

Sudhir Desai
312/886-6704

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Friday, May 10, 2013 7:59 AM
To: Desai, Sudhir
Cc: 'David Malone'; Vantil, Barbara; Ruggles, Kris; john lyons; Scott Foster; DeMonte, Jessica E.
Subject: Re: February 12, 2013 meeting transcript

Transcript from meeting as requested.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office



Since 1999, the premier environmental enforcement and compliance analysis and reporting resource for government agencies.

Compliance and Enforcement

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Detailed Facility Report

[Report Error](#)[Data Dictionary](#)

For Public Release - Unrestricted Dissemination Report Generated on 07/16/2013
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Gray text in this report indicates information that is not required to be reported to EPA. These data, typically regarding non-major or smaller facilities, are often incomplete.

Facility Permits and Identifiers

[Data Dictionary](#)

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
	FRS	110055240822	LEDGEVIEW FARMS	3875 DICKINSON ROAD	DE PERE	WI	54115

Facility Characteristics

[Data Dictionary](#)

Statute	Source ID	Universe	Status	Areas	Permit Expiration Date	Latitude/Longitude	Indian Country?	SIC Codes	NAICS Codes
	110055240822						No		

Compliance Monitoring History (05 years)

[Data Dictionary](#)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
- No data records returned.						

Entries in *italics* are not considered inspections in official counts.

Three Year Compliance Status by Quarter

[Data Dictionary](#)

Violations shown in a given quarter do not necessarily span the entire 3 months. Information on the nature of alleged violations is available on the FAQ page, and information on the duration of non-compliance is available at the end of this report.

Statute:Source ID	QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	QTR9	QTR10	QTR11	QTR12
- No data records returned.												

Notices of Violation or Informal Enforcement - AFS, PCS, ICIS-NPDES, RCRAInfo (05 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date
- No data records returned.				

Formal Enforcement Actions - (05 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
- No data records returned.						

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

ICIS

[Data Dictionary](#)

Primary Law/Section	Case Number	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
- No data records returned.										

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS-FE&C). These actions may duplicate records in the Formal Enforcement Actions section.

TRI History of Reported Chemicals Released in Pounds per Year at Site:

[Data Dictionary](#)

Year	Total Air Emissions	Surface Water Discharges	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers	Total Releases and Transfers
- No data records returned.							

TRI Total Releases and Transfers by Chemical and Year

- No data records returned.

Demographic Profile of Surrounding Area (3 Miles)

[Data Dictionary](#)

Radius of Area:	N/A	Land Area:	N/A	Households in area:	N/A
- No data records returned.					

Notice About Duration of Violations -- The duration of violations shown on this report is an estimate of the actual duration of the violations that might be alleged or later determined in a legal proceeding. For example, the start date of the violation as shown in the ECHO database is normally when the government first became aware of the violation, not the first date that the violation occurred, and the facility may have corrected the violation before the end date shown. In some situations, violations may have been corrected by the facility, but EPA or the State has not verified the correction of these violations. In other situations, EPA does not remove the violation flag until an enforcement action has been resolved.

This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: FRS: 06/22/2013.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.

[Data Quality Information](#) | [Contact Us](#) | [Privacy & Security Notice](#) | [Home](#)



Last updated on July 16th, 2013

CITY OF PORTSMOUTH - DEPARTMENT OF WASTEWATER

LONG-TERM CONTROL PLAN

DRAFT ADMINISTRATIVE ORDER ON CONSENT

TRANSCRIPT OF PUBLIC HEARING

Tuesday, February 12, 2013
6:00 p.m.
Shawnee State University
Clark Memorial Library
940 Second Street
Portsmouth, Ohio

AMBER KENT FINKELSTEIN

HEARING OFFICER

PANEL:

Richard Duncan, City of Portsmouth
Barbara Vantil, EPA
Sudhir Desai, EPA
Jennifer Witte, Surface Water
Scott Foster, Surface Water

DENISE L. SHOEMAKER
RENO & ASSOCIATES
273 LITTLE THEATRE ROAD
WAVERLY, OHIO 45690
740.947.9001
FAX 740.941.4041

P R O C E E D I N G S

- - -

HEARING OFFICER FINKELSTEIN: I have a little bit of housekeeping to do. I have a little script to read, and then we will get started.

The purpose of this public hearing is to accept comments on the official record regarding the draft Clean Water Act Administrative Order on Consent between U.S. EPA and the City of Portsmouth. Written and oral comments received as part of the official record will be reviewed by U.S. EPA. Comments are being accepted through the close of business on March 1, 2013.

Written comments can be filed with me tonight or submitted through any of the methods found on the agenda for this hearing. It is important for you to know that all comments received in writing, all written comments provided tonight, and all verbal comments given here tonight are given the same consideration.

I ask that all exhibits, including written speeches, maps, photographs, overheads, and any other physical evidence, referred to in your testimony be submitted tonight as part of the

1 official record. If you choose not to submit the
2 information, the accuracy of your testimony cannot be
3 assured. A court reporter is here to make a
4 stenographic record of tonight's proceedings.

5 If you wish to present testimony at this
6 hearing tonight and have not already completed a blue
7 card, please do so at this time and return it to me.
8 The cards are available at the registration table up
9 front.

10 Each individual may testify only once
11 and speak for three minutes, so I ask that you use
12 your time wisely and that you are respectful of
13 others providing their comments and questions.
14 There is no cross-examination of the speakers or
15 representatives in public hearings of this type.
16 Therefore, we will not be able to answer questions
17 during this hearing. The hearing officer or a
18 representative may ask clarifying questions to
19 speakers to ensure the record is as complete and
20 accurate as possible.

21 If you have a question related to
22 tonight's topic that we were unable to answer
23 earlier, please phrase your comments in the form of a
24 question. U.S. EPA intends to respond to all

1 applicable comments and questions in writing.

2 We will now receive testimony. As I
3 call your name, please step up to the microphone,
4 state your name and spell it for the record, and then
5 proceed with your testimony.

6 The first person requesting to testify
7 is Jane Murray.

8 MS. MURRAY: I am Jane Murray,
9 J-a-n-e M-u-r-r-a-y. I'm a resident of Portsmouth.
10 I've had sewage in my house twice. I was mayor for
11 one year until I was recalled.

12 The fact of the matter is these are very
13 serious issues, as you all know. I will be
14 submitting very detailed written comments, which I'm
15 sure you anticipate, Mr. Desai and Mr. Foster as
16 well.

17 Overall, there needs to be an
18 understanding that the U.S. EPA, the Ohio EPA wanted
19 an approvable long-term control plan. That's what
20 you got in 2010 after many hundreds of thousands of
21 dollars, and only \$15,000 to give you the answers to
22 the 308 letter, which in fact is a legal process for
23 U.S. EPA. In that demand letter the information was
24 provided, you got the information. You said, yes,

1 this is what we're looking for, the plan is approved.

2 The first phase of that plan would have
3 involved a relief sewer to take the sewage out of the
4 basements of the people on Coles Boulevard and
5 Sheridan and Shawnee and Grandview and 25th and on
6 and on. Dozens and dozens and dozens of homes. That
7 plan was to be phased. We've not heard what's going
8 to be phased tonight. We've not heard that.

9 That plan was going to be phased such
10 that after each phase there would be an assessment
11 with EPA to say: This has been completed. Where are
12 we in meeting our CSO requirements? To the point
13 where the last project, the 35 million dollar storage
14 at Lawson's Run Sewer on the river would not have to
15 be built.

16 So the misinformation and disinformation
17 that you heard tonight I want it to be clarified for
18 the record, I want it to be clarified for the public,
19 for the media and for the elected officials. So that
20 plan would address -- would have already addressed
21 the basement flooding. It would have phased such
22 that it would not have cost 70 million dollars, and,
23 in fact, less than -- about half, and we would have
24 put into place storm water fees. Not 95 percent of

1 the cost bore by the residents.

2 Storm water fees would have been based
3 on impervious surface. It's done across the U.S. as
4 you well know. All of that will be in my testimony,
5 and I hope that it can be made available so the
6 record can be put straight, and I ask EPA not to
7 approve the AOC, but in fact go back to the 2010
8 approved plan.

9 Thank you.

10 HEARING OFFICER FINKELSTEIN: Thank
11 you, Ms. Murray.

12 Our next speaker is going to be Kevin E
13 Johnson.

14 MR. JOHNSON: No thanks.

15 HEARING OFFICER FINKELSTEIN: Kevin has
16 passed.

17 Our next speaker is Bridgett Osborne.

18 MS. OSBORNE: Hi, I'm Bridgett
19 Osborne. B-r-i-d-g-e-t-t, last name O-s-b-o-r-n-e.

20 I was up here a few minutes ago, and I
21 was mentioning about the running water, the fact that
22 it's been reported repeatedly since August. It's
23 February. How it's a waste.

24 I'm totally EPA. I mean, you guys don't

1 know me. I've gone to college for it. I believe in
2 green, being green, growing green, living green. All
3 these things. So I understand what you guys are
4 doing, and I applaud your efforts.

5 What I don't applaud is the way that the
6 City of Portsmouth doesn't really seem to care about
7 being clean. We're here tonight for clean water,
8 wastewater, water management, upgrading the city,
9 trying to keep it clean, trying to keep it even
10 green.

11 How can we do that, and the reason I'm
12 asking this and saying this is because you can walk
13 outside right now and just -- just look around.
14 Everywhere you look there is trash, paper, plastic.
15 These things all end up in your sewer. They're
16 blocking it up, they're filling it up. It's getting
17 silt covered, and we're wondering why the sewage gets
18 backed up, overflows and it's going into people's
19 houses and all this. Well, if you keep the trash out
20 of the sewer, it might work better.

21 On the side line of that. I know we
22 have a street sweeper. And in the four years that
23 I've lived on Seventh Street, I've seen it on my
24 street, my street, one time. But I see it go up and

1 down Brown almost once a week. So I think that
2 street sweeper that the entire City of Portsmouth
3 taxpayers are paying for needs to be utilized in
4 their neighborhood too. That would take a help off
5 of cleaning out our sewers so that the water would
6 run.

7 Thank you.

8 HEARING OFFICER FINKELSTEIN: Thank
9 you, Ms. Osborne.

10 Our next speaker is Austin Leedom.

11 MR. LEADEM: No.

12 HEARING OFFICER FINKELSTEIN: He's
13 passed.

14 Our next speaker then is Dave McDaniel.

15 MR. MCDANIEL: Pass.

16 HEARING OFFICER FINKELSTEIN: And he's
17 passed.

18 I think it's Robert Forrey.

19 MR. FORREY: No, thank you.

20 HEARING OFFICER FINKELSTEIN: William
21 Gilmore.

22 MR. GILMORE: I pass.

23 HEARING OFFICER FINKELSTEIN: Steve
24 Sturgill.

1 MR. STURGILL: Steve Sturgill, City
2 Council, Portsmouth, Sixth Ward.

3 I want to thank all of you for your time
4 this evening. It's evident that you've been very
5 helpful in the City of Portsmouth's effort to come
6 into compliance with these EPA rules.

7 Since taking office in January of 2012,
8 I have reviewed the documents that I've been given,
9 studied the EPA website, and spoken several times
10 with Mr. Duncan. I can honestly say that I am not
11 comfortable with my knowledge level concerning the
12 legislative or financial implications of the draft
13 order or the long-term control plan.

14 As a council representative from
15 Portsmouth Sixth Ward, I believe we need to better
16 understand the issues, legislative and financial,
17 before taking actions on the draft order specified or
18 implied in its present form. Portsmouth City Council
19 needs to ensure our residents that the City of
20 Portsmouth has a plan and the resources in place
21 before entering into this agreement and assume its
22 long-term commitments.

23 I do understand the city needs to
24 address the three construction projects outlined this

1 evening. However, the cost associated with the
2 preparation of the MOM is undefined, and from
3 previous LTCP efforts from Stilson's and Strand's
4 work toward a similar solution, the potential price
5 tag for Lawson still may still reach 50 million
6 dollars. In other words, as a council person, I need
7 more information to continue to justify an additional
8 1.25 million dollars in evaluation.

9 Please understand that I'm not trying to
10 delay the EPA process. I do not want the city to be
11 in a deeper mess by not being able to comply with the
12 administrative orders to which we are soon to commit
13 and the potential enforcement actions and civil
14 penalties specified in these orders.

15 I would respectfully like to recommend
16 the following: I would like to ask the mayor and Mr.
17 Duncan to provide Council within 15 days all
18 correspondence, cost estimates and engineering plans
19 developed as they relate to planning, design, and the
20 production cost for the three construction projects
21 noted and identified in the draft administration
22 order. I would also request that this information be
23 posted on the city website so our citizens will have
24 the opportunity to review the information.

1 I also would like to seek at least a
2 brief review of the proposed solutions as to their
3 feasibility and their long-term cost implications.
4 We will not recreate the wheel. We've already spent
5 more than one million dollars on evaluation before.

6 I would like to ask EPA tonight to
7 extend the public comment period for at least 60 more
8 days and conduct an additional public hearing near
9 the end of the 60-day extension. This would provide
10 council time to collect, review, and make public
11 information noted above. It will also allow the
12 citizens the opportunity to review the additional
13 information and provide feedback to the EPA. Should
14 the U.S. EPA grant this request, I will have the
15 information we utilize forwarded to you for posting
16 on your agency's website as appropriate.

17 Respectfully submitted, Steve Sturgill,
18 Portsmouth City Council, Sixth Ward. Thank you.

19 HEARING OFFICER FINKELSTEIN: Thank
20 you, Mr. Sturgill.

21 I am so sorry. I'm going to butcher
22 your name. Mr. Cotcamp. I am so sorry. How do you
23 pronounce your name?

24 MR. COTCAMP: Cotcamp. I will pass.

1 Thank you.

2 HEARING OFFICER FINKELSTEIN: All
3 right. Larry Essman.

4 MR. ESSMAN: Larry Essman, L-a-r-r-y,
5 E-s-s-m-a-n.

6 My comments are only reflective of the
7 downspout removal proposal. We went through this in
8 2001, and the city ordered us to remove our
9 downspouts. I think I saw Mr. Shaw in the audience.
10 He was very helpful, and at that time I was able to
11 remove three of my downspouts, but I had to put in
12 like a 30-foot line to drain into the service strip
13 behind my house.

14 Now these downspouts are all running
15 right out on the ground, and it's just created a new
16 problem for me in addition to the sewer backup. We
17 now have to watch as steady rains proceed into our
18 basement. And when I put my garbage can back, I have
19 to put boots on because the water from the
20 downspouts, mine and my neighbors, runs away from the
21 street and pools in our yard.

22 I just don't see how that is creating
23 any comfort for the residents of Portsmouth,
24 especially me. And when I look out and see the heavy

1 rains, that water from the downspouts is not going
2 into the sewer. Grandview turns into the New River.
3 If I had a raft, I could do white water rafting down
4 Grandview.

5 Water cascades off 25th Street on the
6 east and the west sides. It creates a geyser about
7 this high (indicating) on the sewer on 25th Street.
8 My wife and I stand out there and watch it. It just
9 shoots up out of the sewer. There's no room in that
10 sewer for gutter water/downspout water. The whole
11 street is virtually covered. We've watched it at
12 night, and it goes -- it will even go over into the
13 east side of Grandview in people's yards. We've
14 watched our neighbors across the street how it runs
15 back onto the sidewalk, and at that time we figure
16 that's the time to go into the basement and watch for
17 the water to come up through our commode.

18 I just don't think the downspout removal
19 is effective the way it's been done. The city needs
20 to inspect what they've ordered. They need to
21 consider the topography of the area. They need to
22 consider the proximity of the homes. You know,
23 adding to the problems isn't really the answer to
24 this problem we've facing.

1 Thank you very much.

2 HEARING OFFICER FINKELSTEIN: Thank
3 you, Mr. Essman.

4 That's all of the cards that have been
5 submitted to me for spoken testimony. Would anyone
6 else like to provide testimony tonight?

7 MS. HUDDLESTON: My name is Patti
8 Huddleston. It's P-a-t-t-i, H-u-d-d-l-e-s-t-o-n. I
9 live on Grandview, and I was at work and they put a
10 pole in front of my house. Okay. We didn't know
11 what it was. No one would say anything.

12 Finally one day I got tired of not
13 knowing what it was going to be. So I asked, and the
14 people that was putting up the pole told me, well, we
15 can tell you now. We weren't allowed to say. It has
16 to do with the sewage. I was like, you know, it
17 would have been nice had someone said something to
18 me. I asked why they put it right in front of my
19 house, you know, why not the alley? And the mayor at
20 the time chose that spot.

21 Now, am I going to get a surprise with
22 the retention thing? Is it going to go by my house,
23 across the street from my house? Where is it going
24 to go?

1 HEARING OFFICER FINKELSTEIN: We can't
2 answer at this point. That will be responded to in
3 writing.

4 MS. HUDDLESTON: I figured that.

5 MS. VANTIL: It will be responded to.

6 MR. DUNCAN: I will be glad to speak
7 to you afterwards, ma'am.

8 HEARING OFFICER FINKELSTEIN: Are
9 there -- is there anyone else who would like to
10 provide testimony tonight?

11 (No response.)

12 If there are no further requests to
13 present testimony, we will end the hearing.
14 Remember, written comments will be accepted through
15 the close of business on March 1st, 2013. Again,
16 these can be submitted through the various ways
17 listed on tonight's agenda. They're found online at
18 www.epa.gov/region5/water/portsmouth.

19 This concludes today's hearing. Thank
20 you for your testimony and cooperation and
21 participation in this environmental decision-making
22 process.

23 The time is now 8:01, and this hearing
24 is adjourned.

1

- - -

2

The following question was submitted by

3

Rebecca L. Climer:

4

If the runoff water still goes into a

5

CSO, why is it necessary to change the downspouts of

6

the 47 homes identified in the Grandview area? When

7

the downspouts are changed, doesn't the water

8

ultimately end up in the same place? Are there other

9

homes in Portsmouth that have downspouts that are

10

also tied directly into the CSO?

11

- - -

12

Thereupon, at 8:01 the public hearing was concluded.

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- - -

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1 R E P O R T E R ' S C E R T I F I C A T E

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I hereby certify that the transcript of the
proceedings and evidence contained herein are a true
and accurate transcription of my stenographic notes
taken by me at the time and place of the within case;
that the transcription was reduced to printing under
my direction; and that this is a true and correct
transcript of the same.

DENISE L. SHOEMAKER, Notary Public
in and for the State of Ohio.

My commission expires January 20, 1999.

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:40 AM
To: Amber.Finkelstein@epa.state.oh.us
Subject: FW: February 12, 2013 meeting transcript

Hi Amber,

FYI: This message was bounced earlier.

SD

From: Desai, Sudhir
Sent: Wednesday, May 08, 2013 11:33 AM
To: 'David Malone'
Cc: Vantil, Barbara; rduncan1@falcon1.net
Subject: February 12, 2013 meeting transcript

Hi Mayor Malone,

it is my understanding that the City had the Court reporter present during the February 12, 2013 public meeting.

Could you please share the transcript of the above meeting with us asap. I had requested this information earlier but I have not received it yet. Please feel free to share this request with others in your organization as you deem appropriate so that I can get the above information..

As of today's date, the Agency has received 6 (six) public comments. All the comments were shared with you (and Rick Duncan). I received Rick Duncan's feedback on the first 5 public comments. I will appreciate if City can provide its feedback on the last public comment quickly.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:30 AM
To: Amber.Finlestein@epa.state.oh.us; Foster, Scott
Subject: FW: February 12, 2013 meeting transcript
Attachments: ATT00001.txt; Comments from pub mtg feb-2013.pdf

Hi Amber,

Here is the official record that I received from Portsmouth in the subject matter. Please feel free to call if you need any additional information. Any comments? Pl. let me know too.

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Director of Wastewater and Flood Defense City of Portsmouth
740-353-0241 Office

CITY OF PORTSMOUTH - DEPARTMENT OF WASTEWATER

LONG-TERM CONTROL PLAN

DRAFT ADMINISTRATIVE ORDER ON CONSENT

TRANSCRIPT OF PUBLIC HEARING

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HEARING OFFICER

PANEL:

Richard Duncan, City of Portsmouth
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21 dollars, and only \$15,000 to give you the answers to
22 the 308 letter, which in fact is a legal process for
23 U.S. EPA. In that demand letter the information was
24 provided, you got the information. You said, yes,

1 this is what we're looking for, the plan is approved.

2 The first phase of that plan would have
3 involved a relief sewer to take the sewage out of the
4 basements of the people on Coles Boulevard and
5 Sheridan and Shawnee and Grandview and 25th and on
6 and on. Dozens and dozens and dozens of homes. That
7 plan was to be phased. We've not heard what's going
8 to be phased tonight. We've not heard that.

9 That plan was going to be phased such
10 that after each phase there would be an assessment
11 with EPA to say: This has been completed. Where are
12 we in meeting our CSO requirements? To the point
13 where the last project, the 35 million dollar storage
14 at Lawson's Run Sewer on the river would not have to
15 be built.

16 So the misinformation and disinformation
17 that you heard tonight I want it to be clarified for
18 the record, I want it to be clarified for the public,
19 for the media and for the elected officials. So that
20 plan would address -- would have already addressed
21 the basement flooding. It would have phased such
22 that it would not have cost 70 million dollars, and,
23 in fact, less than -- about half, and we would have
24 put into place storm water fees. Not 95 percent of

1 the cost bore by the residents..

2 Storm water fees would have been based
3 on impervious surface. It's done across the U.S. as
4 you well know. All of that will be in my testimony,
5 and I hope that it can be made available so the
6 record can be put straight, and I ask EPA not to
7 approve the AOC, but in fact go back to the 2010
8 approved plan.

9 Thank you.

10 HEARING OFFICER FINKELSTEIN: Thank
11 you, Ms. Murray.

12 Our next speaker is going to be Kevin E
13 Johnson.

14 MR. JOHNSON: No thanks.

15 HEARING OFFICER FINKELSTEIN: Kevin has
16 passed.

17 Our next speaker is Bridgett Osborne.

18 MS. OSBORNE: Hi, I'm Bridgett
19 Osborne. B-r-i-d-g-e-t-t, last name O-s-b-o-r-n-e.

20 I was up here a few minutes ago, and I
21 was mentioning about the running water, the fact that
22 it's been reported repeatedly since August. It's
23 February. How it's a waste.

24 I'm totally EPA. I mean, you guys don't

1 know me. I've gone to college for it. I believe in
2 green, being green, growing green, living green. All
3 these things. So I understand what you guys are
4 doing, and I applaud your efforts.

5 What I don't applaud is the way that the
6 City of Portsmouth doesn't really seem to care about
7 being clean. We're here tonight for clean water,
8 wastewater, water management, upgrading the city,
9 trying to keep it clean, trying to keep it even
10 green.

11 How can we do that, and the reason I'm
12 asking this and saying this is because you can walk
13 outside right now and just -- just look around.
14 Everywhere you look there is trash, paper, plastic.
15 These things all end up in your sewer. They're
16 blocking it up, they're filling it up. It's getting
17 silt covered, and we're wondering why the sewage gets
18 backed up, overflows and it's going into people's
19 houses and all this. Well, if you keep the trash out
20 of the sewer, it might work better.

21 On the side line of that. I know we
22 have a street sweeper. And in the four years that
23 I've lived on Seventh Street, I've seen it on my
24 street, my street, one time. But I see it go up and

1 down Brown almost once a week. So I think that
2 street sweeper that the entire City of Portsmouth
3 taxpayers are paying for needs to be utilized in
4 their neighborhood too. That would take a help off
5 of cleaning out our sewers so that the water would
6 run.

7 Thank you.

8 HEARING OFFICER FINKELSTEIN: Thank
9 you, Ms. Osborne.

10 Our next speaker is Austin Leedom.

11 MR. LEADEM: No.

12 HEARING OFFICER FINKELSTEIN: He's
13 passed.

14 Our next speaker then is Dave McDaniel.

15 MR. MCDANIEL: Pass.

16 HEARING OFFICER FINKELSTEIN: And he's
17 passed.

18 I think it's Robert Forrey.

19 MR. FORREY: No, thank you.

20 HEARING OFFICER FINKELSTEIN: William
21 Gilmore.

22 MR. GILMORE: I pass.

23 HEARING OFFICER FINKELSTEIN: Steve
24 Sturgill.

1 MR. STURGILL: Steve Sturgill, City
2 Council, Portsmouth, Sixth Ward.

3 I want to thank all of you for your time
4 this evening. It's evident that you've been very
5 helpful in the City of Portsmouth's effort to come
6 into compliance with these EPA rules.

7 Since taking office in January of 2012,
8 I have reviewed the documents that I've been given,
9 studied the EPA website, and spoken several times
10 with Mr. Duncan. I can honestly say that I am not
11 comfortable with my knowledge level concerning the
12 legislative or financial implications of the draft
13 order or the long-term control plan.

14 As a council representative from
15 Portsmouth Sixth Ward, I believe we need to better
16 understand the issues, legislative and financial,
17 before taking actions on the draft order specified or
18 implied in its present form. Portsmouth City Council
19 needs to ensure our residents that the City of
20 Portsmouth has a plan and the resources in place
21 before entering into this agreement and assume its
22 long-term commitments.

23 I do understand the city needs to
24 address the three construction projects outlined this

1 evening. However, the cost associated with the
2 preparation of the MOM is undefined, and from
3 previous LTCP efforts from Stilson's and Strand's
4 work toward a similar solution, the potential price
5 tag for Lawson still may still reach 50 million
6 dollars. In other words, as a council person, I need
7 more information to continue to justify an additional
8 1.25 million dollars in evaluation.

9 Please understand that I'm not trying to
10 delay the EPA process. I do not want the city to be
11 in a deeper mess by not being able to comply with the
12 administrative orders to which we are soon to commit
13 and the potential enforcement actions and civil
14 penalties specified in these orders.

15 I would respectfully like to recommend
16 the following: I would like to ask the mayor and Mr.
17 Duncan to provide Council within 15 days all
18 correspondence, cost estimates and engineering plans
19 developed as they relate to planning, design, and the
20 production cost for the three construction projects
21 noted and identified in the draft administration
22 order. I would also request that this information be
23 posted on the city website so our citizens will have
24 the opportunity to review the information.

1 I also would like to seek at least a
2 brief review of the proposed solutions as to their
3 feasibility and their long-term cost implications.
4 We will not recreate the wheel. We've already spent
5 more than one million dollars on evaluation before.

6 I would like to ask EPA tonight to
7 extend the public comment period for at least 60 more
8 days and conduct an additional public hearing near
9 the end of the 60-day extension. This would provide
10 council time to collect, review, and make public
11 information noted above. It will also allow the
12 citizens the opportunity to review the additional
13 information and provide feedback to the EPA. Should
14 the U.S. EPA grant this request, I will have the
15 information we utilize forwarded to you for posting
16 on your agency's website as appropriate.

17 Respectfully submitted, Steve Sturgill,
18 Portsmouth City Council, Sixth Ward. Thank you.

19 HEARING OFFICER FINKELSTEIN: Thank
20 you, Mr. Sturgill.

21 I am so sorry. I'm going to butcher
22 your name. Mr. Cotcamp. I am so sorry. How do you
23 pronounce your name?

24 MR. COTCAMP: Cotcamp. I will pass.

1 Thank you.

2 HEARING OFFICER FINKELSTEIN: All
3 right. Larry Essman.

4 MR. ESSMAN: Larry Essman, L-a-r-r-y,
5 E-s-s-m-a-n.

6 My comments are only reflective of the
7 downspout removal proposal. We went through this in
8 2001, and the city ordered us to remove our
9 downspouts. I think I saw Mr. Shaw in the audience.
10 He was very helpful, and at that time I was able to
11 remove three of my downspouts, but I had to put in
12 like a 30-foot line to drain into the service strip
13 behind my house.

14 Now these downspouts are all running
15 right out on the ground, and it's just created a new
16 problem for me in addition to the sewer backup. We
17 now have to watch as steady rains proceed into our
18 basement. And when I put my garbage can back, I have
19 to put boots on because the water from the
20 downspouts, mine and my neighbors, runs away from the
21 street and pools in our yard.

22 I just don't see how that is creating
23 any comfort for the residents of Portsmouth,
24 especially me. And when I look out and see the heavy

1 rains, that water from the downspouts is not going
2 into the sewer. Grandview turns into the New River.
3 If I had a raft, I could do white water rafting down
4 Grandview.

5 Water cascades off 25th Street on the
6 east and the west sides. It creates a geyser about
7 this high (indicating) on the sewer on 25th Street.
8 My wife and I stand out there and watch it. It just
9 shoots up out of the sewer. There's no room in that
10 sewer for gutter water/downspout water. The whole
11 street is virtually covered. We've watched it at
12 night, and it goes -- it will even go over into the
13 east side of Grandview in people's yards. We've
14 watched our neighbors across the street how it runs
15 back onto the sidewalk, and at that time we figure
16 that's the time to go into the basement and watch for
17 the water to come up through our commode.

18 I just don't think the downspout removal
19 is effective the way it's been done. The city needs
20 to inspect what they've ordered. They need to
21 consider the topography of the area. They need to
22 consider the proximity of the homes. You know,
23 adding to the problems isn't really the answer to
24 this problem we've facing.

1 Thank you very much.

2 HEARING OFFICER FINKELSTEIN: Thank
3 you, Mr. Essman.

4 That's all of the cards that have been
5 submitted to me for spoken testimony. Would anyone
6 else like to provide testimony tonight?

7 MS. HUDDLESTON: My name is Patti
8 Huddleston. It's P-a-t-t-i, H-u-d-d-l-e-s-t-o-n. I
9 live on Grandview, and I was at work and they put a
10 pole in front of my house. Okay. We didn't know
11 what it was. No one would say anything.

12 Finally one day I got tired of not
13 knowing what it was going to be. So I asked, and the
14 people that was putting up the pole told me, well, we
15 can tell you now. We weren't allowed to say. It has
16 to do with the sewage. I was like, you know, it
17 would have been nice had someone said something to
18 me. I asked why they put it right in front of my
19 house, you know, why not the alley? And the mayor at
20 the time chose that spot.

21 Now, am I going to get a surprise with
22 the retention thing? Is it going to go by my house,
23 across the street from my house? Where is it going
24 to go?

1 HEARING OFFICER FINKELSTEIN: We can't
2 answer at this point. That will be responded to in
3 writing.

4 MS. HUDDLESTON: I figured that.

5 MS. VANTIL: It will be responded to.

6 MR. DUNCAN: I will be glad to speak
7 to you afterwards, ma'am.

8 HEARING OFFICER FINKELSTEIN: Are
9 there -- is there anyone else who would like to
10 provide testimony tonight?

11 (No response.)

12 If there are no further requests to
13 present testimony, we will end the hearing.
14 Remember, written comments will be accepted through
15 the close of business on March 1st, 2013. Again,
16 these can be submitted through the various ways
17 listed on tonight's agenda. They're found online at
18 www.epa.gov/region5/water/portsmouth.

19 This concludes today's hearing. Thank
20 you for your testimony and cooperation and
21 participation in this environmental decision-making
22 process.

23 The time is now 8:01, and this hearing
24 is adjourned.

1

- - -

2

The following question was submitted by

3

Rebecca L. Climer:

4

If the runoff water still goes into a

5

CSO, why is it necessary to change the downspouts of

6

the 47 homes identified in the Grandview area? When

7

the downspouts are changed, doesn't the water

8

ultimately end up in the same place? Are there other

9

homes in Portsmouth that have downspouts that are

10

also tied directly into the CSO?

11

- - -

12

Thereupon, at 8:01 the public hearing was concluded.

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- - -

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1 R E P O R T E R ' S C E R T I F I C A T E

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I hereby certify that the transcript of the
proceedings and evidence contained herein are a true
and accurate transcription of my stenographic notes
taken by me at the time and place of the within case;
that the transcription was reduced to printing under
my direction; and that this is a true and correct
transcript of the same.

DENISE L. SHOEMAKER, Notary Public
in and for the State of Ohio.

My commission expires January 20, 1999.

CERTIFICATE OF COMPLETION

This is to certify that

Sangsook Choi

has completed the course

FY13 Security Awareness and Training - epa_sat_fy13_fgc_enus

on

07/16/13



Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:26 AM
To: Amber.Finlestein@epa.state.oh.us; Foster, Scott; jennifer.witte@state.oh.us
Subject: FW: Your Request-reply/Portsmouth, OH
Attachments: image001.jpg

Sorry, I forgot to include you in my response.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:11 AM
To: David Malone; RDuncan1@falcon1.net
Cc: Vantil, Barbara
Subject: RE: Your Request-reply/Portsmouth, OH

Hi Mayor Malone and Rick,

Thank you for your follow up.

Rick Duncan shared the transcript of February 12, 2013 public hearing this morning. He is anxious to get the comments I received from the OEPA's Public Affairs. I will share the comments that I got from the OEPA Public Affairs with you all. Basically, it contains the names of the personnel who attended the meeting and their contact information.

Thank you for sharing the transcript of February 12, 2013 public hearing and special thanks to Mayor Malone and (John H.) solicitor's office for providing the Court reporter. We now have official records of the public hearing.

I will provide my comments concerning completeness of the information provided by the City quickly. I want to let you know also that Steve Sturgill had indicated what information he is looking for from Rick Duncan to all concerned. I believe Steve Sturgill has made it crystal clear what he is looking for from Mr. Duncan.

Thank you.

Sudhir Desai
312/886-6704

From: David Malone [DMalone@portsmouthoh.org]
Sent: Thursday, May 09, 2013 8:06 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; sssturgill@zoomnet.net; rduncan1@falcon1.net
Subject: RE: Your Request

Mr. Desai,

I am most interested in and eagerly awaiting your comments to the city's response to your requests. I met with Mr. Duncan yesterday for the purpose of ascertaining where we were in the process and the information that we needed to provide to move forward with our plans. After spending a considerable amount of time with Mr. Duncan, I was very comfortable with the information he provided me relating to the AOC. I would like to know the information that the city hasn't been fully responsive to so that we can properly address it to your satisfaction. Thank you very much and, again, I look forward to your comments.

David A. Malone

Mayor

728 Second Street Rm 1

Portsmouth, Ohio 45662

Ph. (740)354-8807 - Fx. (740)354-8809

From: Desai, Sudhir [<mailto:desai.sudhir@epa.gov>]

Sent: Wednesday, May 08, 2013 4:18 PM

To: ssturgill@zoomnet.net

Cc: David Malone; Vantil, Barbara

Subject: Your Request

Hi Steve,

I have reviewed the information supplied to me by the City. Based on my review, the information is not fully responsive the request in my opinion. I am in a process to prepare my comments shortly.

Thank you.

Sudhir,

Are you getting the information you need from Portsmouth?

Steve Sturgill

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named

image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****



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Detailed Facility Report

[Report Error](#)[Data Dictionary](#)

For Public Release - Unrestricted Dissemination Report Generated on 07/16/2013
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Gray text in this report indicates information that is not required to be reported to EPA. These data, typically regarding non-major or smaller facilities, are often incomplete.

Facility Permits and Identifiers

[Data Dictionary](#)

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
CWA	ICP	WIA000011	LEDGEVIEW FARMS	3875 DICKINSON ROAD	DE PERE	WI	54115

Facility Characteristics

[Data Dictionary](#)

Statute	Source ID	Universe	Status	Areas	Permit Expiration Date	Latitude/Longitude	Indian Country?	SIC Codes	NAICS Codes
CWA	WIA000011	Minor, Unpermitted Facility	Compliance Tracking Off			44.424900, -87.969500	No		

If the CWA permit is past its expiration date, this normally means that the permitting authority has not yet issued a new permit. In these situations, the expired permit is normally administratively extended and kept in effect until the new permit is issued.

Inspection and Enforcement Summary Data

[Data Dictionary](#)

Statute	Source ID	Insp. Last 05 Yrs	Date of Last Inspection	Formal Enf Act Last 05 Yrs	Penalties Last 05 Yrs
CWA	WIA000011	1	04/18/2013	0	\$60

Compliance Monitoring History (05 years)

[Data Dictionary](#)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	WIA000011	ICP	Sampling (SA1): NPDES - Concentrated Animal Feeding Operations (CAFOs)	EPA	04/18/2013	

Entries in *italics* are not considered inspections in official counts.

Compliance Summary Data

[Data Dictionary](#)

Information on the nature of alleged violations is available on the FAQ page.

Statute	Source ID	Current SNC/HPV?	Description	Current As Of	Qtrs in NC (of 12)
CWA	WIA000011	N/A		Jan-Mar13	

Three Year Compliance Status by Quarter

[Data Dictionary](#)

Violations shown in a given quarter do not necessarily span the entire 3 months. Information on the nature of alleged violations is available on the FAQ page, and information on the duration of non-compliance is available at the end of this report.

CWA/NPDES Compliance Status												
Statute:Source ID	QTR1 Apr-Jun10	QTR2 Jul-Sep10	QTR3 Oct-Dec10	QTR4 Jan-Mar11	QTR5 Apr-Jun11	QTR6 Jul-Sep11	QTR7 Oct-Dec11	QTR8 Jan-Mar12	QTR9 Apr-Jun12	QTR10 Jul-Sep12	QTR11 Oct-Dec12	QTR12 Jan-Mar13
CWA:WIA000011	No	No	No	No	No	No	No	No	No	No	No	Yes

Facility Status

Effluent Violations by NPDES Parameter:

View effluent charts for all parameters: [Only Charts with Violations](#) [All Charts](#) [Custom Output](#) (or click on parameter names below for individual parameter charts)

Single Event Violations:

WW CAFO - Production Area Runoff												05/20/13
WW CAFO - Management Practice Violations - Improper Waste Ma												05/20/13
WW CAFO - Management Practice Violations - Improper O&M												05/20/13
WW CAFO - Direct Animal Contact with Waters of US												05/20/13

Effluent violations are displayed as highest percentage by which the permit limit was exceeded for the quarter. **Bold, largeprint** indicates Significant Non-compliance (SNC) effluent violations. Shaded boxes indicate unresolved SNC violations.

Notices of Violation or Informal Enforcement - AFS, PCS, ICIS-NPDES, RCRAInfo (05 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date
- No data records returned.				

Formal Enforcement Actions - (05 year history)

[Data Dictionary](#)

AFS, PCS, RCRAInfo, NCDB

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
- No data records returned.						

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

ICIS

[Data Dictionary](#)

Primary Law/Section	Case Number	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
- No data records returned.										

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS-FE&C). These actions may duplicate records in the Formal Enforcement Actions section.

Environmental Conditions[Data Dictionary](#)

Permit ID	Watershed	Watershed Name	Receiving Waters	Impaired Waters?	Combined Sewer System?
WIA000011				NO	No

TRI History of Reported Chemicals Released in Pounds per Year at Site:[Data Dictionary](#)

Year /	Total Air Emissions	Surface Water Discharges	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers	Total Releases and Transfers
- No data records returned.							

TRI Total Releases and Transfers by Chemical and Year

- No data records returned.

Demographic Profile of Surrounding Area (3 Miles)[Data Dictionary](#)

Radius of Area:	N/A	Land Area:	N/A	Households in area:	N/A
- No data records returned.					

Notice About Duration of Violations -- The duration of violations shown on this report is an estimate of the actual duration of the violations that might be alleged or later determined in a legal proceeding. For example, the start date of the violation as shown in the ECHO database is normally when the government first became aware of the violation, not the first date that the violation occurred, and the facility may have corrected the violation before the end date shown. In some situations, violations may have been corrected by the facility, but EPA or the State has not verified the correction of these violations. In other situations, EPA does not remove the violation flag until an enforcement action has been resolved.



This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: ICIS: 06/21/2013.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.



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Last updated on July 16th, 2013

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:23 AM
To: ; RDuncan1@falcon1.net
Cc: Vantil, Barbara; Amber.Finkelstein@epa.state.oh.us; Foster, Scott
Subject: FW: Portsmouth, OH Public meeting record
Attachments: 02-12-13 Attendees.pdf; 02-12 Portsmouth Agenda.doc; Presentation-AOC Feb 13 SSU.pdf

Hi Mayor Malone and Rick,

Here is the record I received from Amber that you requested. I will appreciate if you can share this information with the appropriate personnel in your group.

Thank you Amber for your help.

Thank you.

Sudhir Desai
USEPA, Region 5
Water Enforcement and Compliance Assurance Branch
77 W. Jackson Blvd.
Chicago, IL 60604
Desai.Sudhir@epa.gov
Telephone Number: 312/886-6704

From: Finkelstein, Amber [Amber.Finkelstein@epa.state.oh.us]
Sent: Wednesday, April 24, 2013 9:14 AM
To: Desai, Sudhir; Foster, Scott; Witte, Jennifer; Vantil, Barbara
Subject: RE: Portsmouth, OH Public meeting record

Sudhir –

Attached is:

- The agenda created by Ohio EPA
- The presentation forwarded by the city on 2/13
- The sign-in sheets from the meeting.

I was not provided a copy of the transcript. For this meeting, I served as facilitator only. The city was responsible for obtaining the court reporter – as a result the transcript was most likely sent to them.

I hope this helps!

Amber Kent Finkelstein
Public Involvement Coordinator
(614) 644-2160

From: Desai, Sudhir [<mailto:desai.sudhir@epa.gov>]
Sent: Tuesday, April 23, 2013 4:33 PM
To: Finkelstein, Amber; Foster, Scott; Witte, Jennifer; Vantil, Barbara
Subject: Portsmouth, OH Public meeting record

Hi Amber,

Did you get a chance to compile record for our 2/12/2013 public meeting yet? The due to provide the comments to EPA by the citizens is May 3, 2013 and I would like to read the OEPA's record for developing responses to the citizens.

I will appreciate your feedback asap.

Thank you.

Sudhir Desai
312/886-6704

Amber Kent Finkelstein
Public Involvement Coordinator
Ohio EPA Public Interest Center
50 W. Town St., Suite 700
Columbus, OH 43216-1049
(614) 644-2160



SIGN-IN SHEET

Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Barb Hogan E-MAIL: bhogan@hepocityofportsmouth.com
STREET ADDRESS: 2330 GRANDVIEW
CITY: PORTSMOUTH STATE: OH ZIP: 45602
TELEPHONE: 740-351-2184 FAX: _____

NAME: Jim Ramey E-MAIL: _____
STREET ADDRESS: 2619 GRANDVIEW
CITY: PORTSMOUTH STATE: OH ZIP: _____
TELEPHONE: _____ FAX: _____

NAME: Butch Kotcamp E-MAIL: bkotcamp@shawco.com
STREET ADDRESS: 940 LIND ST
CITY: PORTSMOUTH STATE: OH ZIP: 45662
TELEPHONE: 740-352-5383 FAX: 740-351-3597

NAME: Terry Ockerman E-MAIL: LOCKERMAN@DOH
STREET ADDRESS: 840 GALLIA ST
CITY: PORTS STATE: OH ZIP: 45664
TELEPHONE: 740-357-5829 FAX: _____

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____



SIGN-IN SHEET

Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Steve Hamilton E-MAIL: Steve.hamilton39@yahoo.com
STREET ADDRESS: 3980 Rhode Ave
CITY: New Boston STATE: Ohio ZIP: 45662
TELEPHONE: 740-456-4106 FAX: 740-456-6473

NAME: Patti Huddleston E-MAIL: _____
STREET ADDRESS: 2302 Grandview
CITY: Portsmouth STATE: Ohio ZIP: 45662
TELEPHONE: _____ FAX: _____

NAME: Jim Climer E-MAIL: _____
STREET ADDRESS: 1791 St Rt 140
CITY: Portsmouth STATE: Ohio ZIP: 45662
TELEPHONE: 774-3230 FAX: _____

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STREET ADDRESS: 533 2nd st.
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-354-3684 FAX: 740-354-3682

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____



SIGN-IN SHEET

Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Vicki Felts E-MAIL: vickifelts@gmail.com
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CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-935-2465 FAX: _____

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CITY: Lebanon STATE: Ohio ZIP: 45036
TELEPHONE: (513) 934-1512 FAX: (513) 934-1515

NAME: William T. Gilmore E-MAIL: _____
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CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-354-5378 FAX: _____

NAME: Jim Warren E-MAIL: nbmayor7350@yahoo.com
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CITY: Portsmouth STATE: Ohio ZIP: _____
TELEPHONE: 740 456 4103 FAX: 740 456 6473

NAME: Russell Hunt E-MAIL: _____
STREET ADDRESS: 2311 Grandview Ave
CITY: Portsmouth STATE: OH ZIP: _____
TELEPHONE: 740-352-7192 FAX: _____

NAME: Bob H E-MAIL: _____
STREET ADDRESS: 2311 Grandview
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: _____ FAX: _____



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Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Chris Gullett E-MAIL: gullettc@yahoo.com
STREET ADDRESS: 2860 Circle Drive
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740 352 7634 FAX: _____

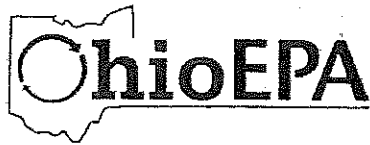
NAME: Wm Burke E-MAIL: _____
STREET ADDRESS: 20178 St Rt 73
CITY: McDemott STATE: OH ZIP: 45652
TELEPHONE: 740-259-6169 FAX: _____

NAME: Steve Sturgill E-MAIL: SSsturgill@zoomnet.net
STREET ADDRESS: 447 D
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740 357 7624 FAX: _____

NAME: John Prose E-MAIL: jprose@hillviewretirement.org
STREET ADDRESS: 3220 Old Post Rd.
CITY: Portsmouth STATE: OHIO ZIP: 45662
TELEPHONE: 354-3135 FAX: 353-5511

NAME: Larry Essman E-MAIL: _____
STREET ADDRESS: 2417 Grandview Ave
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740 353 0943 FAX: 740 353 7797

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____



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PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Richard Noel E-MAIL: _____
STREET ADDRESS: 286 Pungap Rd.
CITY: Portsmouth STATE: Ohio ZIP: 45662
TELEPHONE: 740-456-5158 FAX: _____

NAME: Shirley Tucker E-MAIL: _____
STREET ADDRESS: 319 Front St
CITY: Portsmouth STATE: Ohio ZIP: 45662
TELEPHONE: (70) 354-5802 FAX: _____

NAME: RICHARD A. HARTMAN E-MAIL: _____
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CITY: PORTS STATE: Ohio ZIP: 45662
TELEPHONE: 354 3684 FAX: _____

NAME: Fath Michele Bertot E-MAIL: michelle.tat.bertot@gmail.com
STREET ADDRESS: 2326 Grandview Ave
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 353-4308 FAX: _____

NAME: Ruth Boden E-MAIL: _____
STREET ADDRESS: 1926 25th
CITY: Ports STATE: Ohio ZIP: 45662
TELEPHONE: 740 354-5831 FAX: _____

NAME: James M. Daniel E-MAIL: _____
STREET ADDRESS: 1197 7th St
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 776 6622 FAX: _____



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Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Austin Leedom E-MAIL: _____
STREET ADDRESS: 1321 5th
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 355 3012 FAX: _____

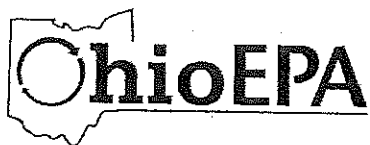
NAME: JEFF CARLEY E-MAIL: _____
STREET ADDRESS: 2125 Cedarview
CITY: PORTSMOUTH STATE: OH ZIP: 45662
TELEPHONE: 740-935-1232 FAX: _____

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NAME: JOHN HAAS E-MAIL: jrhaas@pmcourt.org
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TELEPHONE: _____ FAX: _____

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TELEPHONE: 740 353 4851 FAX: 740 353 4851



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County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: KEVIN E JOHNSON E-MAIL: KEVIN@1954@HOTMAIL.COM
STREET ADDRESS: 1646 GIANT ST
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-821-1287 FAX: _____

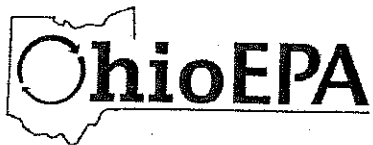
NAME: Robert Mavasek E-MAIL: _____
STREET ADDRESS: 2309 Grandview Ave
CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-353-0163 FAX: _____

NAME: Beverly Shaw E-MAIL: _____
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CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: 740-354-3049 FAX: _____

NAME: Tom DeC... E-MAIL: tdc...@frontier.com
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CITY: Wheeling STATE: OH ZIP: 43694
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CITY: Portsmouth STATE: OH ZIP: 45662
TELEPHONE: (740) 354-8807 FAX: _____

NAME: _____ E-MAIL: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____ FAX: _____



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Subject: City of Portsmouth Draft Administrative Order on Consent
County: Scioto Date: February 12, 2013

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME: Jane Murray E-MAIL: mjanemurray@yahoo.com
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TELEPHONE: 740-353-5354 FAX: _____

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STREET ADDRESS: 1020 24th St
CITY: Portsmouth STATE: OH ZIP: 45662-2822
TELEPHONE: 740-876-8558 FAX: _____

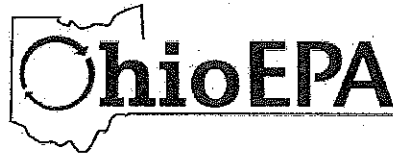
NAME: Ruth Marasek E-MAIL: ruthmarasek1@msn.com
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TELEPHONE: _____ FAX: _____

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TELEPHONE: 740 357 0065 FAX: _____

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CITY: Portsmouth STATE: Ohio ZIP: 45662
TELEPHONE: _____ FAX: _____

AGENDA



INFORMATION SESSION & PUBLIC HEARING AGENDA
Regarding
City of Portsmouth Draft Administrative Order on Consent
February 12, 2013, 6:00 to 8:00 pm
Shawnee State University, Flohr Auditorium

***** Information Session *****

Introduction

Amber Kent Finkelstein
Ohio EPA Public Interest Center
(614) 644-2160

Presentation

Richard Duncan
City of Portsmouth
(740) 353-0241

Sudhir Desai
Barbara VanTil
U.S. EPA Water Division
(800) 821-8431

Questions & Answers

U.S EPA, Ohio EPA, City of Portsmouth

***** Public Hearing *****

Comments Accepted
On the Record

Amber Kent Finkelstein
Hearing Officer

The purpose of this public hearing is to accept comments regarding a draft Clean Water Act Administrative Order on Consent between U.S. EPA and the City of Portsmouth to reduce sewer overflows from Portsmouth's sewer system. The AOC addresses the first phase of improvements to the sanitary and combined sewer collection systems. A copy of the draft Administrative Order on Consent and other information is available online at www.epa.gov/region5/water/portsmouth.

U.S. EPA will accept written comments through March 1, 2013. Interested parties can submit comments through the website www.epa.gov/region5/water/portsmouth, email to comments@epa.gov or mail comments to:

Sudhir Desai
Environmental Engineer
Water Division
U.S. EPA Region 5 (WC-15J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

City of Portsmouth US EPA/Ohio EPA Joint Presentation

*Administrative Order on Consent
Public Meeting*

February 12, 2013



History (1)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

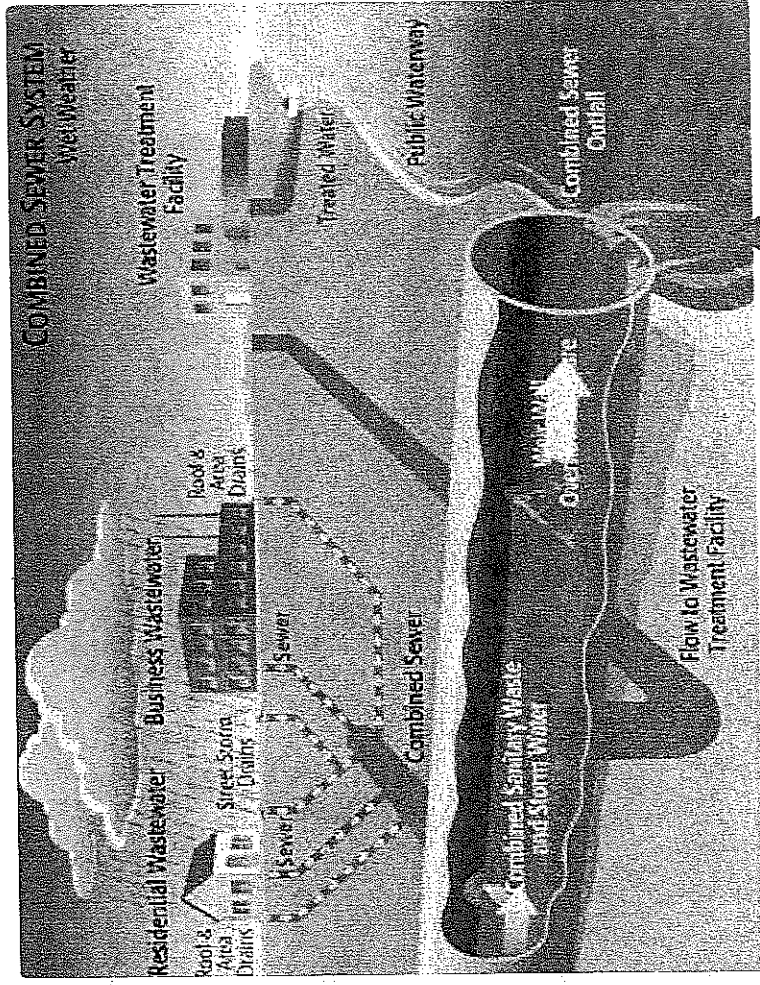
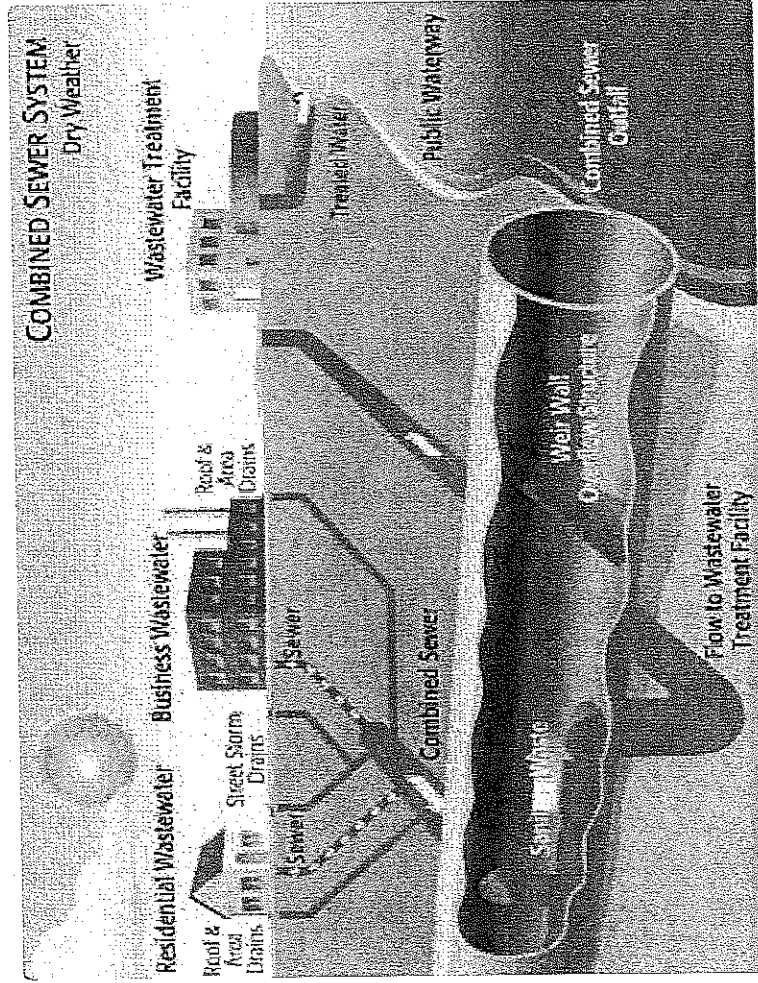
March 2004: City required to submit a Long Term Control Plan (LTCP) to Ohio EPA by September 2006.

W.E. Stilson Consulting Group of Columbus hired due to past history with Portsmouth

Sept. 2006: Stilson Plan submitted



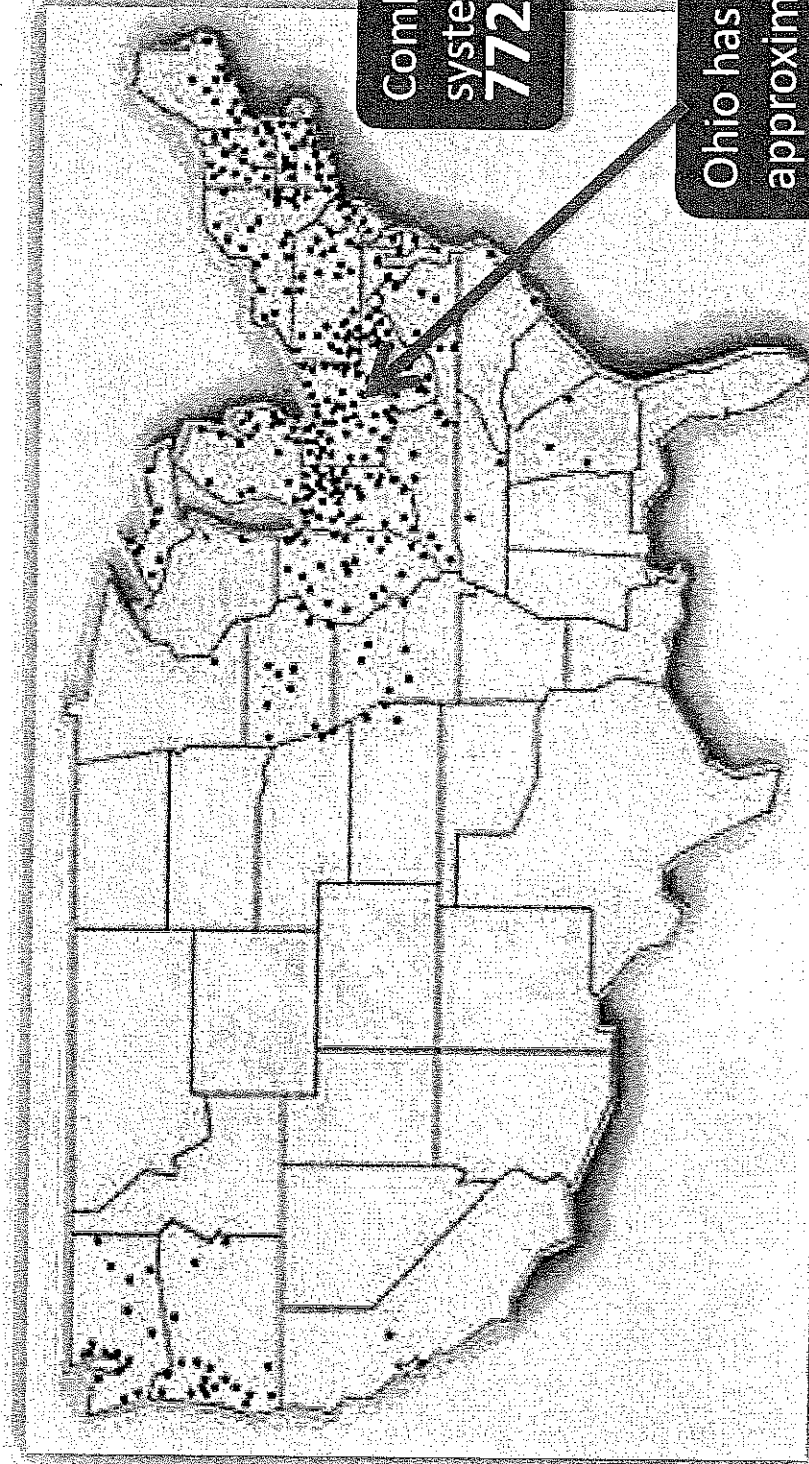
What is a Long Term Control Plan (LTCP)?



Control of Combined Sewer Overflows (CSOs)



Where are CSOs?



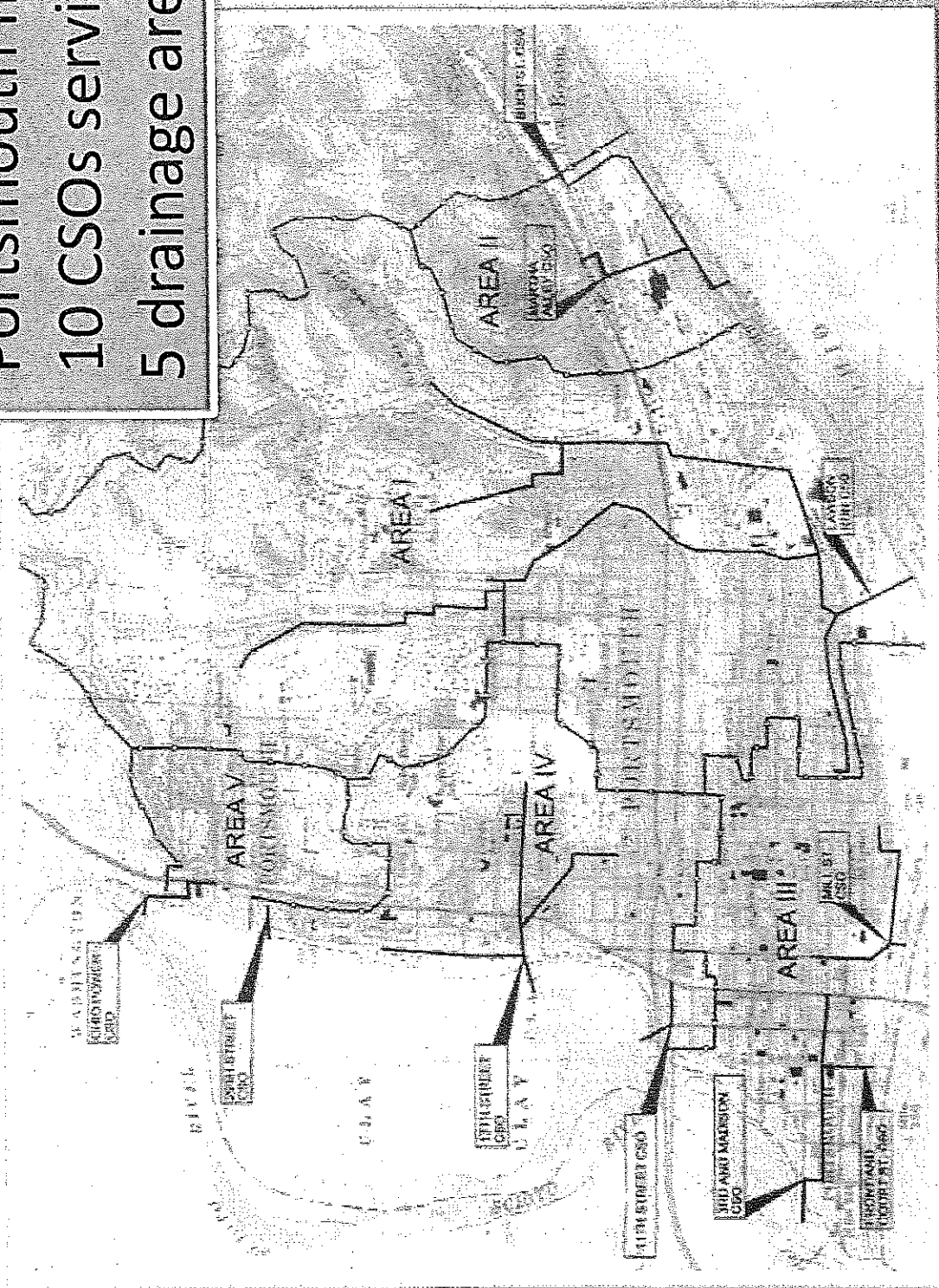
Combined sewer systems serve roughly **772** communities.

Ohio has approximately 1,233 permitted CSOs in **81** communities.



Portsmouth CSO Locations

Portsmouth has
10 CSOs serving
5 drainage areas



History (2)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

Sept. 2006: Stilson LTCP submitted to Ohio EPA.

Portsmouth's cost to comply: **\$39.9 million!**

However, the report stated that costs in excess **\$15 million** would be a "High Burden" for Portsmouth.
Due to workload in Ohio, USEPA (Chicago) took the lead in reviewing many LTCPs, including Portsmouth.

Sept. 2006 - July 2008: USEPA reviewed Stilson LTCP.



History (3)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

August 2008: USEPA directed City to revise its LTCP.

Due to personnel changes at W.E. Stilson, City began looking for a consultant to revise the LTCP as directed by USEPA.

2008: Strand Associates chosen due to extensive experience in negotiating LTCPs with EPA for other communities (Cincinnati, Louisville, Northern Kentucky, etc.)



History (4)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

July 2009: Strand Associates revised LTCP submitted to USEPA

Focused heavily on **'affordability'** and the City's **'financial capability.'**

- Less than 2% of MHI (median household income)
- Less than \$20 million

Also "24/7" needs of system: maintenance/upkeep



History (5)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

July 2009: Strand LTCP recommended:

1st PRIORITY: Critical Infrastructure Needs

General Treatment Plant Upgrades
North Moreland Sewer Rehabilitation
Grandview Avenue Improvements

2nd PRIORITY: Combined Sewer Overflows

Expand plant capacity from 10 MGD to 22.5 MGD for wet weather treatment. (\$13 million)



History (6)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

July –Dec. 2009: USEPA review of revised LTCP.

January 2010: USEPA issues a “Section 308 Request” for more information regarding the revised plan.

Mayor Murray selects Environmental Engineering Associates of Lebanon, Ohio to prepare a new LTCP in response to “308 Request.”

October 2010: New LTCP submitted to USEPA:

\$70 million to be completed in 14 years.



History (7)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

April 2011: City officials requested a meeting with USEPA to review the affordability and financial burden of the LTCP submitted by Mayor Murray.

Late 2011: USEPA agreed to set aside the Murray LTCP and re-open discussions with the City.



History (8)

Long Term Control Plan (LTCP) and Administrative Order on Consent (AOC)

March 2012: Kickoff meeting in Portsmouth to identify "Phase 1" priorities.

April 2012: Letter from USEPA permitting a "phased schedule" for sewer improvements.

May 2012-Jan. 2013: Biweekly conference calls.

Feb. 2013: Public Meeting: Administrative Order on Consent

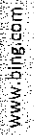


Phase 1 Priorities

- 1) Grandview Avenue Area Surface Flooding
- 2) Grandview Avenue Area Basement Flooding
- 3) Inflow and Infiltration of Stormwater into the North Moreland Sewers
- 4) Reduce Combined Sewer Overflows at Lawson Run Wastewater Treatment Plant (CSO #2)



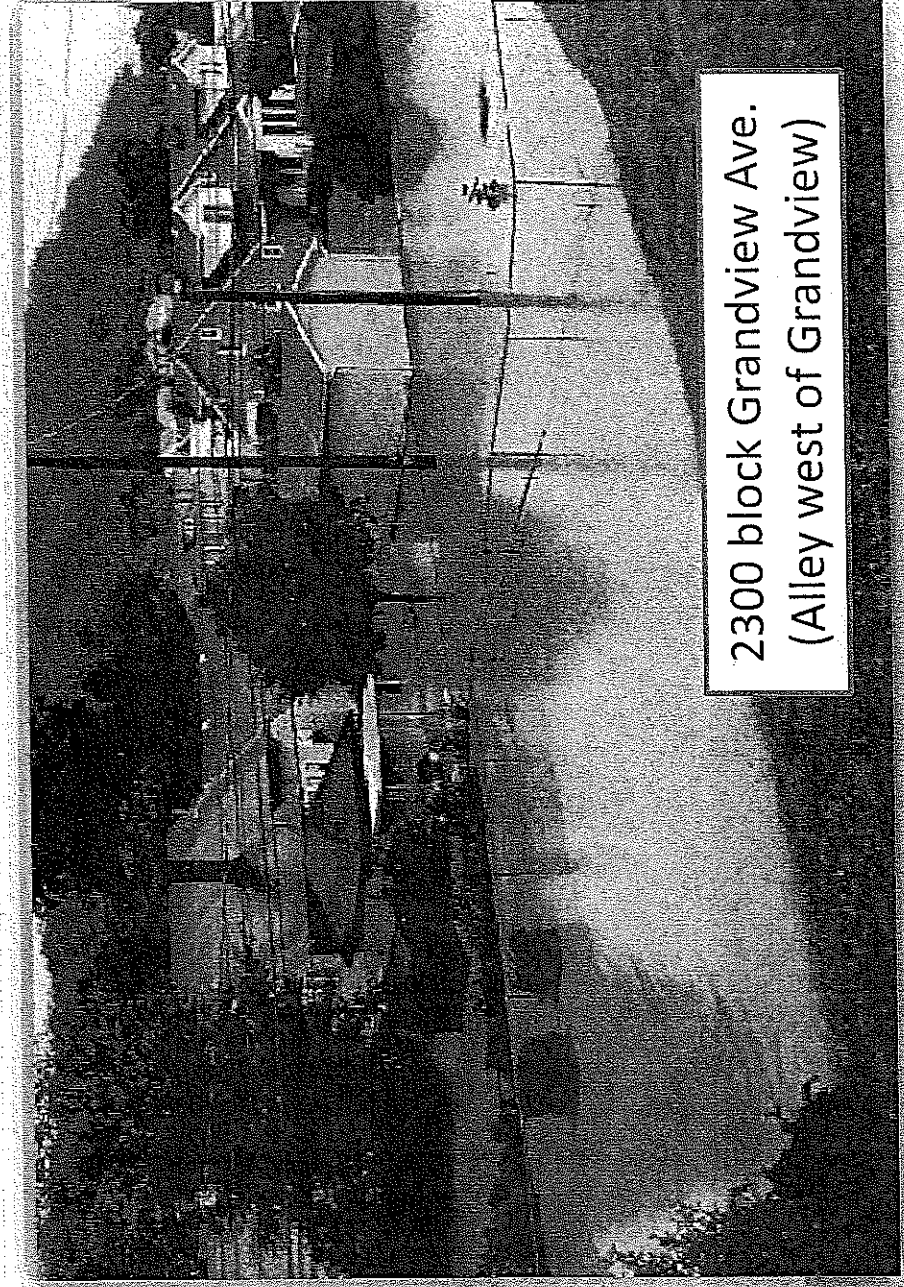
-



1) Surface Flooding - Grandview Ave. Area

Two documented occurrences in past 25
years:

- March 1, 1997
- June 4, 2008



Flood devastates area

The roof was the only place to go

By ROGER ALFORD

Times Staff Writer

It was like a nightmare, but Pamela Lytton was wide awake, sitting on her roof in the pouring downpour with a view of fast-flowing water on her front and back.

"I thought this can't be happening," said Lytton of Lakeside Avenue in New Boston.

Lytton and the movie she wrote to Saturday evening will be forever etched in her memory.

It was about 7:30 a.m. when she looked out her window and saw water flowing down the street where her red Camaro was parked. Just to be safe, she moved it to higher ground and went back inside her boyfriend and daughter were there. None of them expected what would happen next.

But it happened — the car engine flung back down the street.

A flash flood had sent surging water through her yard and up to the windows of her small, one-story frame home.

"We swam against the currents and got on top of a neighbor's truck, and they climbed onto the roof," she said. "As soon as we got up to the roof, the water flooded away."

Standing at the corner of Maple and Lakeside about 7 p.m. Saturday, Lytton could still see her inundated house. The red hood of her pickup car was sticking up out of the yellowish water that seeped up all through the porch, which has been there for years and disappeared into a city park, was redoubled higher than it had ever been before.

The force of the water-stucked cars on top of one another along Lakeside Avenue damaged in yet to be determined, said Mayor James Warren. He said he will try to put a dollar value on it as it becomes more apparent.

It's just hard to assess at this point in time," he said. "It probably will run into the millions of dollars."

As for Lytton, she could not sleep.

Please see ROOF/1A5

Freakish storm caused flooding

By ROGER ALFORD

Times Staff Writer

A series of bizarre weather events in back-to-back storms poured over southern Ohio and caused severe flooding on Saturday.

John Diney, a meteorologist at the National Weather Service office in Wilmington, said up to 6 inches of rain fell in some areas causing flash flooding and mud slides across Lake County.

"We're estimating at least 3 inches of rain locally, with some areas up to 4 inches and some up to 6 inches in a little more than 12 hours," Diney said.

Additional rainfall of 1 to 3 inches was possible before the system passed through the morning hours.

"This type of severe system is not often seen in the spring," Diney said. "This one storm, followed almost immediately by another one, is evidence that I don't think of it more or less, after everything staying out."

Please see STORM/1A6

Several reported missing in Adams County

By MARTIN POSTON

Times Staff Writer

Several people have been reported missing in Adams County following severe flooding in the Southern Ohio region.

Two of those people are feared dead, according to Paul Starnes of the Adams County Emergency Management Agency. However, there is no official confirmation from the County's Office.

The Grand High Creek flooded for weeks at approximately 4 p.m. Saturday afternoon and continued for inches of rain in some areas of the county. The creek was at least eight feet over the flood stage this morning.

An estimated 30 to 40 houses were used



GETTING SOME HELP

Rescue workers, top, assist Linda Lytton, left, and Mike Warner, third from left, to safety, moments after being rescued from their flooded home on Lakeside Avenue in New Boston. Rescue workers, right, patrol the streets in New Boston to search for residents that they need assistance from their homes.

Staff photo by Roger Alford



Rhodes Ave. turned into raging river

Oldtimers can't remember anything like it

By STIVE THALEY

Times Staff Writer

Doyle, Bentley, and Kennedy and friends played softball seriously on big fields spread down Rhodes Avenue sending water splashing toward the cars and two-story houses lining the street in New Boston.

"They really shouldn't do that," said Bentley. "They are splashing water all over these people's homes."

The group was standing between two of the New Boston Keweenaw apartment buildings. They were not alone. People lined the street watching curiously as the water rose and rose and rose.

"This is just awful," said Bentley, a Rhodes Avenue resident. "I've never seen anything like this."

Bentley wasn't the only one. Residents in the Lakeview Avenue area

"We started putting stuff up on tables. It started coming in the door about 15 minutes later so we went out and climbed on the van and onto the roof of the house."

— Patrick Williams, resident

of New Boston were literally awed out of their beds, away from their breakfast tables and into their roofs Saturday morning.

Then they waited until volunteers in boats could rescue them. The refugees were taken to York Street where they departed the boats and were taken to the New Boston Community Center or the homes of friends or family for shelter.

"We had 30 to 50 people in boats here," said New Boston Police Chief Gary Stone, who he learned of a small boat on Lakesview Avenue just after midnight.

Commissioners declare state of emergency

By MARTIN ROSSON

Times Staff Writer

An unusual weather pattern is being responsible for dumping large amounts of rain on Sheld County Saturday.

An of 11 to 14 in. is likely, three inches of rain had fallen in a span of twelve hours, according to Kim Campbell, Director of Sheld County Emergency Management Agency.

"This has prompted County Commissioners to declare a county-wide state of emergency," Campbell said in a statement.

Sheld County Engineer, John Willis said that severe flooding has damaged dikes and bridges throughout Sheld County and has threatened their integrity.

A warm front to the north of the area and a cold front to the south created a system of storm drawing from large amounts of moisture from the Gulf of Mexico following a path close to that of the Ohio River, Willis said.

Areas along the designated Poudre river and other are well served in being a cold front with the rain ending today. The front brings a wind to the warm temperatures and while the rain ends today, the temperature is expected to remain in the 40s much of the day.

From where he stood the New Boston flat was out under water as well as most of the homes in the Lakeview area to the north.

"We had full person cooperation of the community this morning," said Stone of the quick reaction.

Stone visited an area that had flooded from the flood but there had been four or five people taken to Southern Ohio Medical Center for stroke-related problems.

According to Stone, the Lakeview area was the hardest hit by the flood and but there were other problem areas as well.

"One of the worst hit areas was Rhodes Avenue where two lanes of U.S. 52 have been shut down," said Stone. "We are telling people at 2 p.m. that all right now are going to have to leave the area. We are closing the area and we want people to stay out."

Stone said he expected the water to go down quickly but it was going to be a while before people would be allowed back into

Please see OLDTIMERS/AS



IN THE MUCK — Steve Hamilton of Stanton Avenue in New Boston along with several others helped clear storm drains covered over with debris.

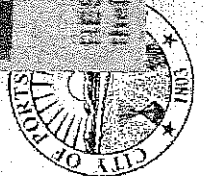


SCIOTO COUNTY FLOOD



Scioto County Flood

RESCUE - Residents, friends, and neighbors pull together to aid rescue workers in bringing those that had to be rescued from their homes to safety here on Maple Avenue in New Boston.



- Nile Township
- Porter Township
- South Webster
- Otway
- Washington Township
- Valley Township

Multiple rescues and evacuations, tornado sightings, bridges washed out



Incidents reported throughout the county

The following is only a partial summation of occurrences during Saturday's flooding in Scioto County. Other departments contacted were not available at press time.

The Nile Township Fire Department in Buena Vista reported numerous emergencies during Saturday's flash floods.

Mr. and Mrs. Steve McGraw and their children were rescued by neighbors Phil Staver, Ed Sommers, and Terry Dale Boland. Boland suffered a broken ankle in the rescue effort, and was transported by Nile Squad 1 to Southern Ohio Medical Center's Mercy Campus.

Other firefighters from the Buena Vista station were also involved in lifesaving rescues. Volunteer firefighter David Cooper sustained eye injury during such an attempt and was transported to SOMC Mercy Campus.

At press time, all Nile Township Fire Stations were on 24-hour call.

Kent Madden, a Porter Township Trustee, reported the Garden City area, Beecher Street, Gallia Pike and Goose Creek all received at least two inches of rain. It was also reported that road crews were out clearing debris, and Porter Township firefighters are out to assist anyone who needs it.

At 9:30 a.m., Porter firefighters were called to assist South Webster with a boat on a report of people trapped inside a submerged vehicle. Upon arrival, the occupants had escaped. While on patrol, a Porter firefighter spotted a dog on top of a doghouse.

attached by a chain. The dog was rescued.

At 1:17 p.m., firefighters engaged in tornado protocol when a report came over the scanner from the National Weather Service, regarding a tornado sighting on the east side of the county, heading directly toward Otway, Washington, A minute later, the report was canceled. The tornado sighting was near Wheelersburg, Ky.

The Otway Community Center was opened Saturday morning so that residents could have shelter.

Capt. Wayne Stewart of the Washington Township Fire Department reported that nine residents were evacuated from Dry Run Road at approximately 8:15 a.m. Saturday. Residents could not be reached by vehicles, and six firefighters walked about two miles, most of which was through water, to where residents were trapped. Along the way, firefighters found a boat floating around. They managed to catch it, and used it to move residents out of the area.

Stewart also reported approximately 20 residences with four to five feet of water. Ten bridges were washed out, and a variety store partially collapsed.

Valley Township Fire Department assisted Rush Squad 2 in the rescue of a family on Pollock Road Saturday. A hovercraft from Anderson Township in Hamilton County also assisted. Assistant Fire Chief Terry Galem reported that there were not many runs in that department Saturday, but the department will continue to monitor low areas.

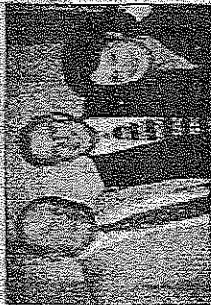
SCIOTO COUNTY FLOOD



EMERGENCY SPLASH - An ambulance drives through the flood waters in front of Whitney's Bike Shop in New Boston Saturday morning.



NEWSMAKER



Guest Speaker

Congressman Ted Strickland was the keynote speaker at the Portsmouth Association for Life Underwriters' February meeting. After opening remarks by Strickland, the meeting changed to a question and answer format. The PAUL visited to extend a public "Thank You" to Representative Strickland. Pictured above (l-r): Clark Thompson, F.I.C.C. Executive Chairman, Rep. Ted Strickland, Janette Dillon, President.

COMMUNITY COMMON

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VOLUME NO. 43 SUNDAY, MARCH 9, 1997

Federal Funds For Flood Cleanup

By Marc DeBartolo
Commonwealth Community Council

Regional funds for those affected in the counties have been made available for cleanup. The federal government will be providing funding for cleanup of flood damage. The federal government will be providing funding for cleanup of flood damage. The federal government will be providing funding for cleanup of flood damage.

For the hearing, interested parties should contact the federal government. The federal government will be providing funding for cleanup of flood damage. The federal government will be providing funding for cleanup of flood damage.

News Bulletins

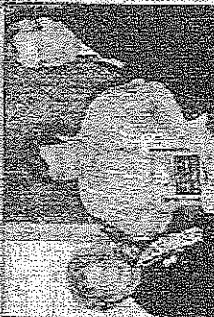
FLOOD DISASTER FUND: A flood disaster fund has been established for the Village of New Boston. Monetary donations can be made at any New Boston branch. Fund and donations can be donated for needy families at the New Boston Community Center. Anyone wishing to donate furniture or large items can call 456-4103 for more information.

CLAY FUN FAIR: Credits are needed for a Clay Fun Fair to be held April 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, May 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, May 31, June 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, June 30, July 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, July 31, August 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, August 31, September 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, September 30, October 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, October 31, November 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, November 30, December 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, December 31.

FIRE TAX HELP: New income tax assistance is available at...

NEWS NOTE

Farmer of Year



Farmer (above, center) was named Farmer of the Year at the Spring Business Farm Bureau at the 50th Friends Center Thursday evening. Farmer, who farms acreage in Schuette County, manages hog and cattle operations and transports grain and agricultural products. Farmer was one of the three winners of the "Golden Process of Farming" held down with Mary Moore and Tim DeBartolo of the Southern Ohio Growth Partnership. Photo by Michele Ruckelshaus

Taking Extra Steps

In the wake of severe flooding across the state and neighboring states, the state has taken extra steps to help flood victims. The state has taken extra steps to help flood victims. The state has taken extra steps to help flood victims.

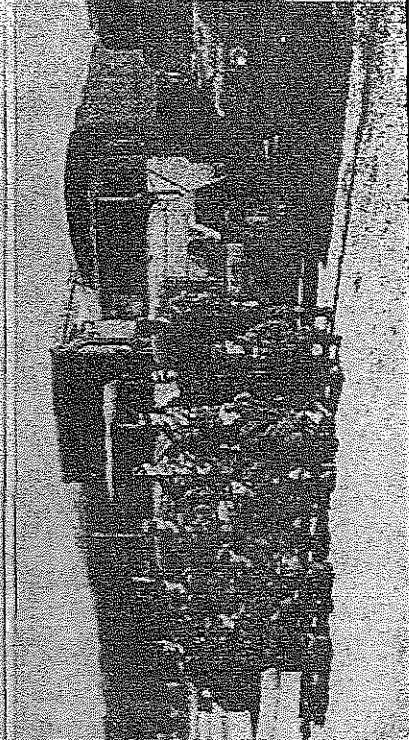
The Ohio National Guard also provided potable water and has transported water supplies to flood victims. The Ohio National Guard also provided potable water and has transported water supplies to flood victims. The Ohio National Guard also provided potable water and has transported water supplies to flood victims.

County

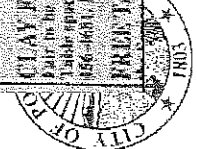
2,500 Homes Damaged; 300 Destroyed

Remained steady throughout the day before beginning a slow descent. The river crest, however, was initially anticipated, was noted by the river, was expected to continue falling slowly through the weekend with a 45-foot level possible by Sunday. According to the National Weather Service, the river stage at the circum Ohio, measured at 61.6 feet Thursday morning, was expected to fall below the flood stage of 54 feet Wednesday morning. The river stage at the circum Ohio, measured at 61.6 feet Thursday morning, was expected to fall below the flood stage of 54 feet Wednesday morning.

Local Doctor Helping Flood Victims Johnson Lends A Hand As A National Guard Officer



Dr. Johnson is a member of the Ohio National Guard. He is helping flood victims. He is helping flood victims. He is helping flood victims.





CLEARING DEBRIS — Dan Cox, driver for Bob's Catering, watches volunteer Dan Cox use a bulldozer to try and clear some of the debris from Lakeside Avenue in New Boston Monday morning.

Flood-ravaged towns begin to rebuild

CINCINNATI — The Ohio River is receding, but much of the town is still underwater. Victims of last week's flooding are now trying to get their lives back on track. The other part is that hundreds of thousands of people are looking for help. The Ohio River is still in the form of a tidal wave, and many are still in the form of a tidal wave.

In Ohio, where water officials said the Federal Emergency Management Agency has received more than \$100 million for aid. For the first time, \$200 million has been set to help flood victims with temporary housing. This money is not for the recovery of the state's economy, but for the recovery of the state's economy. The Ohio River is still in the form of a tidal wave, and many are still in the form of a tidal wave.

The Ohio River is still in the form of a tidal wave, and many are still in the form of a tidal wave. The Ohio River is still in the form of a tidal wave, and many are still in the form of a tidal wave.

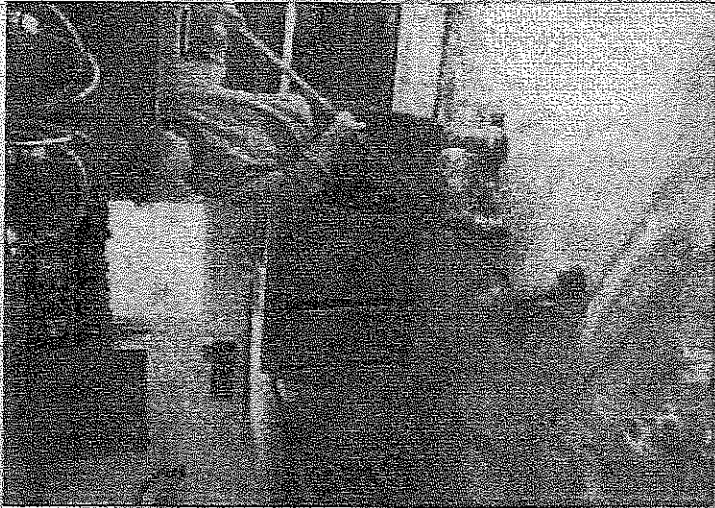
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CLEANING UP — Stephanie Craft tries to push out the mud in her kitchen Monday afternoon at U.S. 52 in West Portsmouth.



PORTSMOUTH

DAILY TIMES

50 cents

Saturday, March 8, 1997

Volume 146, No. 349

Governor visits area

State to pick up the tab

By SARAH POTTER

Times Staff Writer

In his visit to Seacoast County Friday, Gov. George Volnovich announced that residents of New Boston will not have to pay any local taxes to help rebuild their water ravaged village.

Volnovich, when on his trip to the Far East, spent Friday visiting areas in Clarendon, Adams and Seacoast counties with a representative from the Federal Emergency Management Agency to further estimate the damage caused by last week's flood.

"We're going to pick up the local share," Volnovich told the residents who gathered before him, standing in the muddy debris out of what is left of their homes.

When providing public assistance after a disaster, FEMA pays 75 percent of the cost to rebuild things like roads, bridges and school buildings. The state and local government generally split the remaining 25 percent.

Volnovich said the people of New Boston already have too much to worry about so he decided the state would pick up the tab for their share.

"We decided this morning that the state will pick up that 25 percent, so that the local people can go ahead and

not worry about where the next check is coming from, to get the job done," he said.

Mike Dawson, Volnovich's press secretary, said that this kind of cost would be devastating to many small community budgets.

Dawson said that picking up the tab is only done occasionally and this will be the first time it is being offered for the flood of '97.

After coming out of the Lakeside Avenue home of Cary and Shirley Spear, Volnovich said, "People will never forget this. They are thinking, 'we will never get over it. How are we ever going to do it? The thing is, it will get done.'"

"I just want them to know that we are going to do everything we can as a state to give them the help that they need," he said.

Volnovich was impressed with the clean up efforts being done by residents of the village.

"What it basically says is that we've got good people. The communities have come together in an extraordinary way. It just reaffirms your faith in people and the fact that they care about their fellow man, and when they're in need they all pull together to help out," he said.



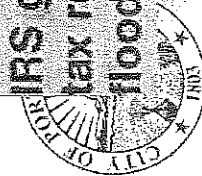
POINTING IT OUT - New Boston Police Chief Cary Stone, far right, speaks with Governor George Volnovich, center, about the flooding and the massive cleanup yet ahead.

Fire Departments: Areas beginning to recover

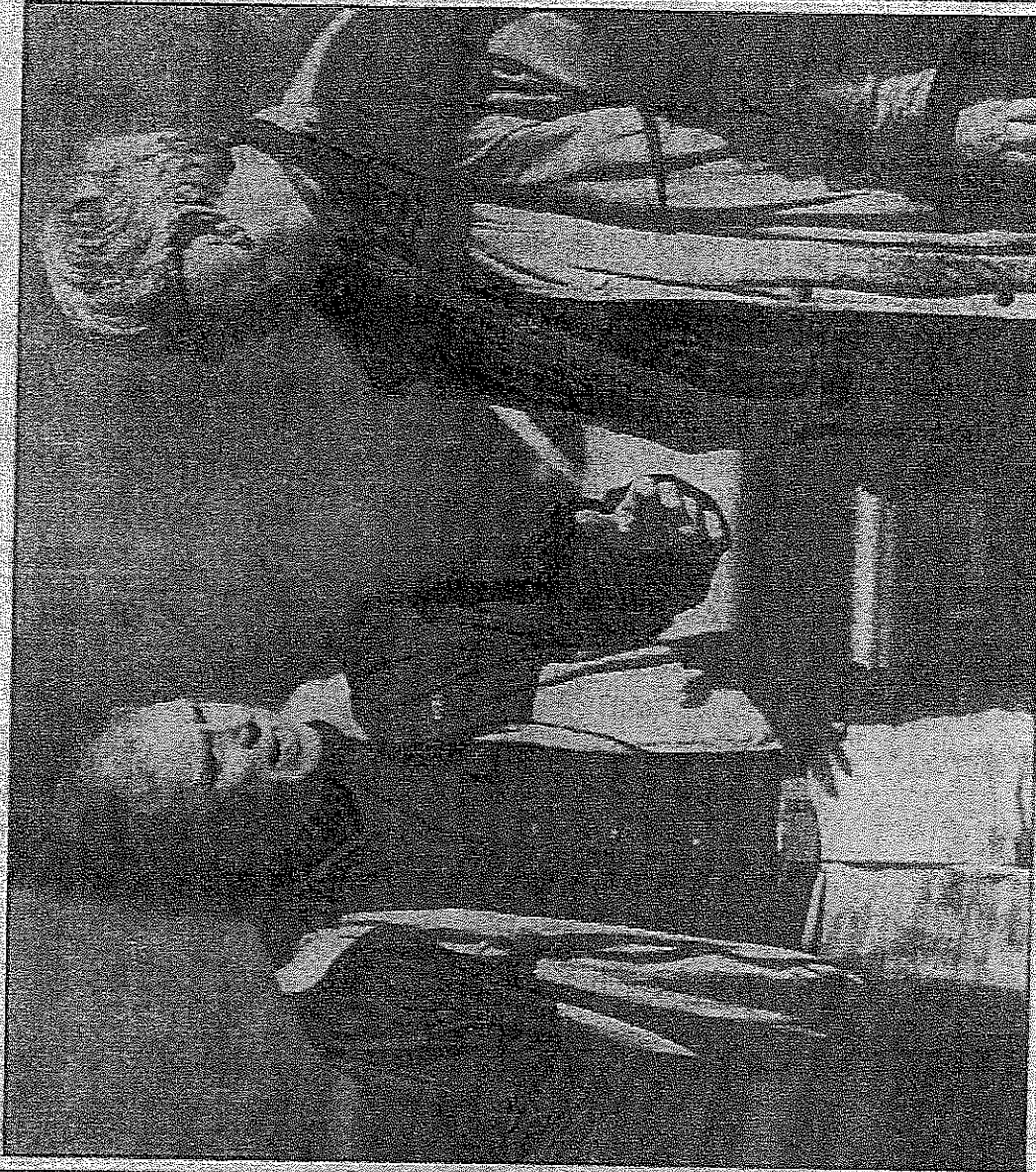
Times Staff Report
The fire departments in the area are beginning to recover from the damage caused by the flood.

The only way to ride

IRS grants tax relief for flood victims

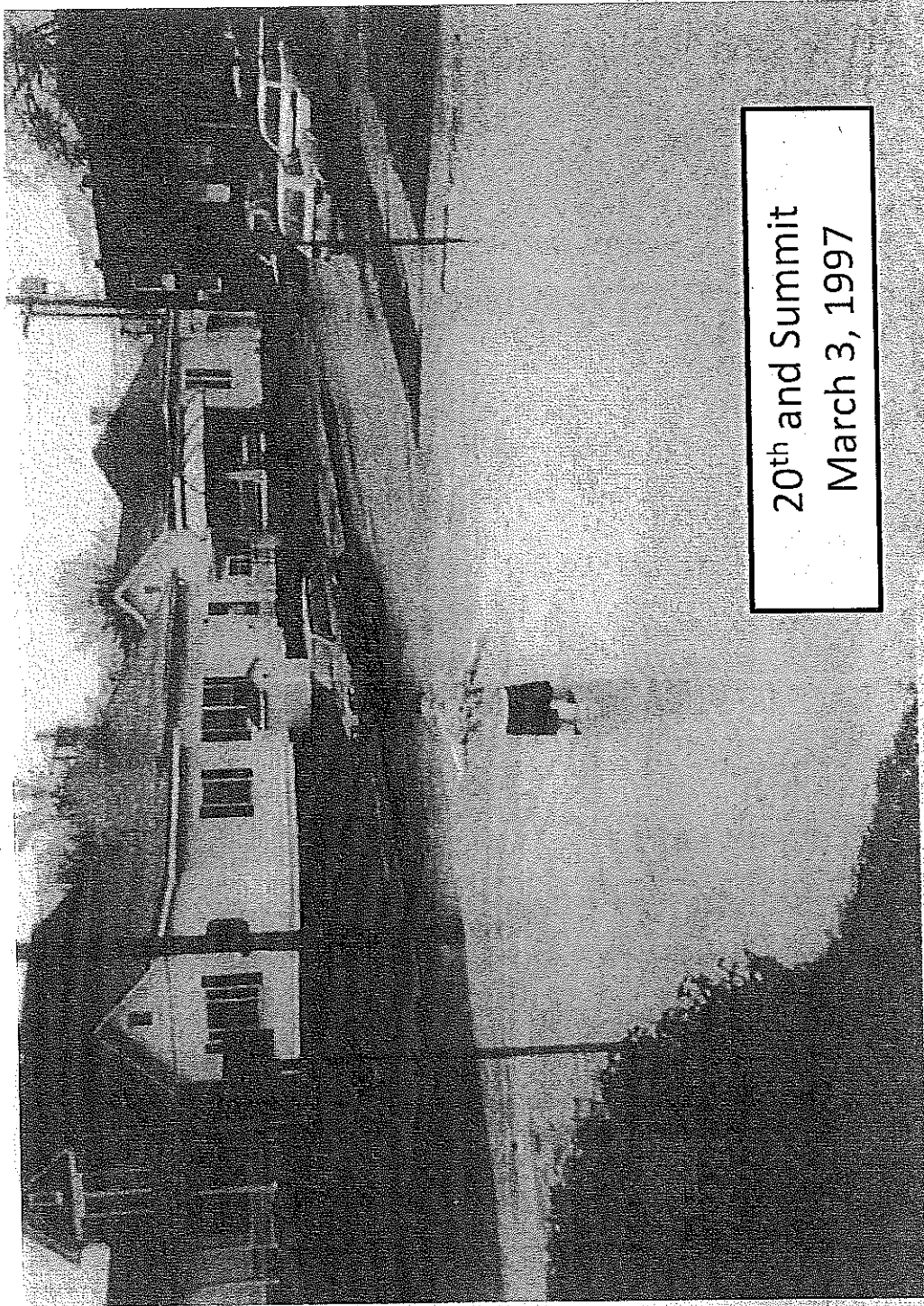


Discussing the situation



J.B. HARRIS/DAVID T. HARRIS
Congressman Ted Strickland and New Boston Mayor Jim Warren talk about the flood as they walk down Lakeview Avenue in New Boston to speak with the Governor George Voinovich Friday afternoon.



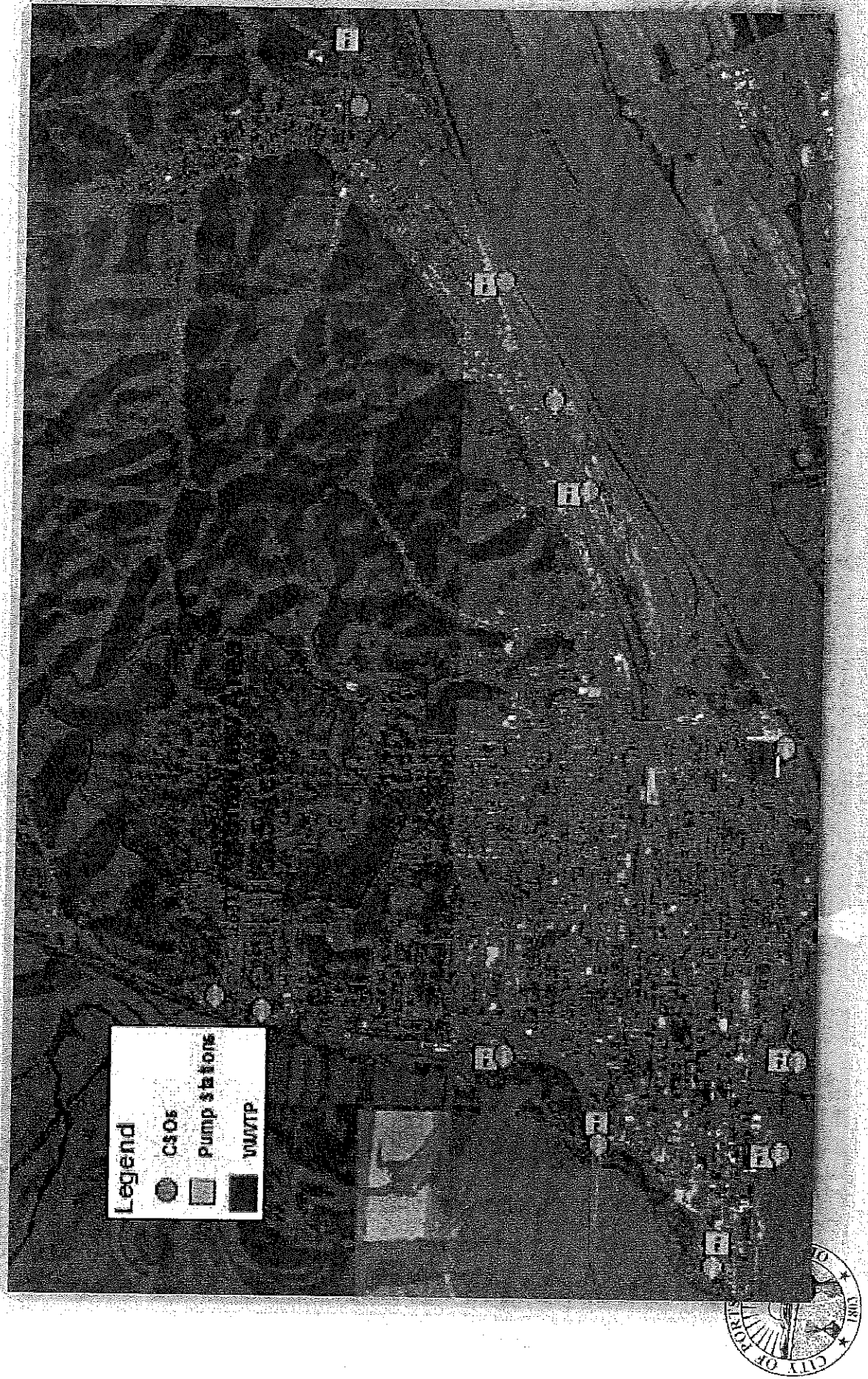


20th and Summit
March 3, 1997



Lawson Run Sewer Facts

The Lawson Run Sewer drains 565 acres at 23rd St. & Grandview Ave.

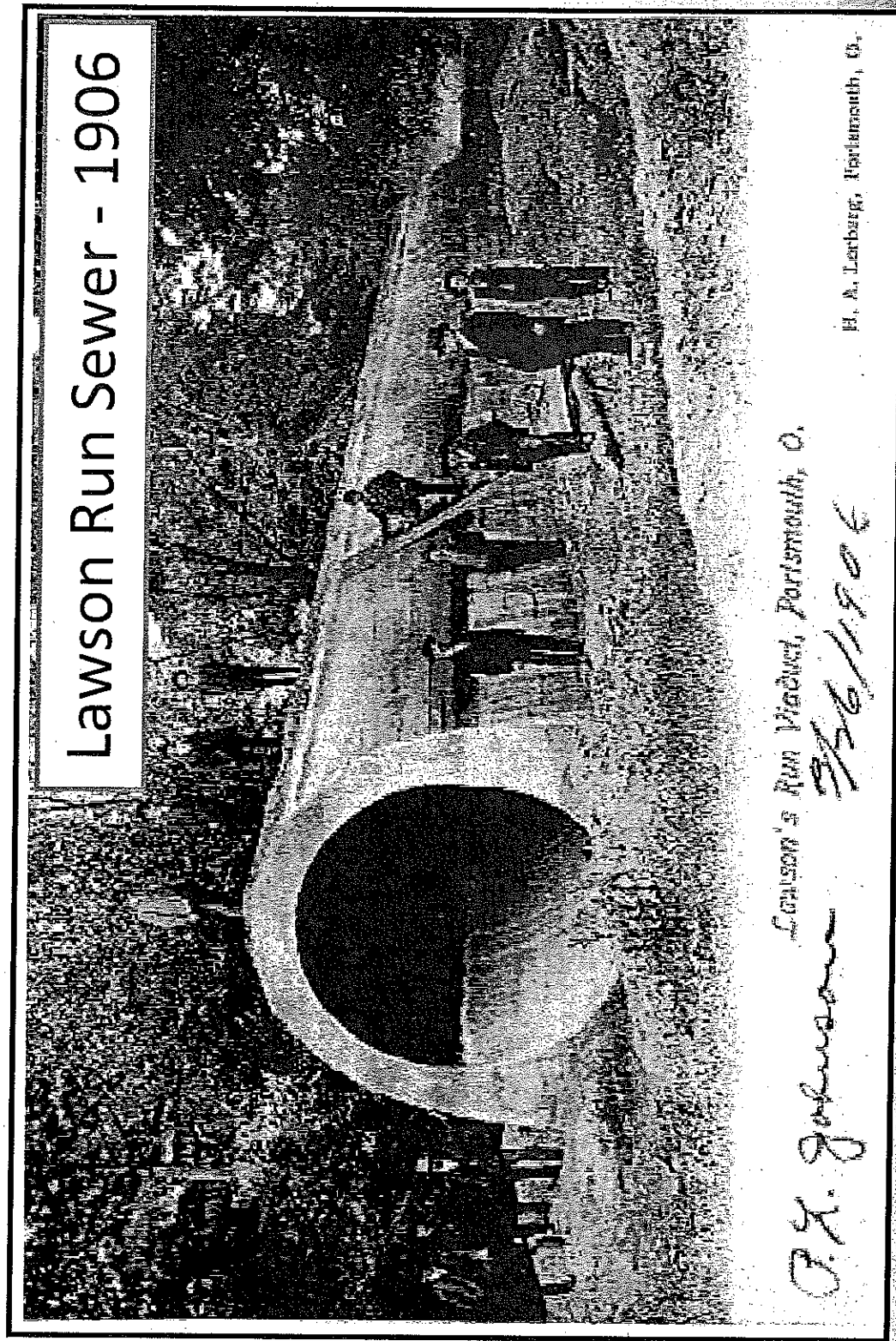




City of Portsmouth 1819



Lawson Run, the creek, was eventually enclosed in sections as the City expanded north and east, beginning in the early 1900s.



The Lawson Run Sewer is mostly brick starting at 7 feet in diameter at Coles Boulevard, growing to 12 feet at Charles Street.



2) Basement Flooding: Grandview Ave.

Incidents since 1997:

- January 2000 (8 residences)
- May 2001 (3 residences)
- May 2004 (12 residences)
- August 2005 (1 residence)
- July 2011 (2 residences)

Plus Major Surface Flooding:

March 1, 1997 and June 4,

2008



Basement flooding
on Grandview Ave.
occurs due to back-
ups in 18-in.
Redwood Alley Sewer

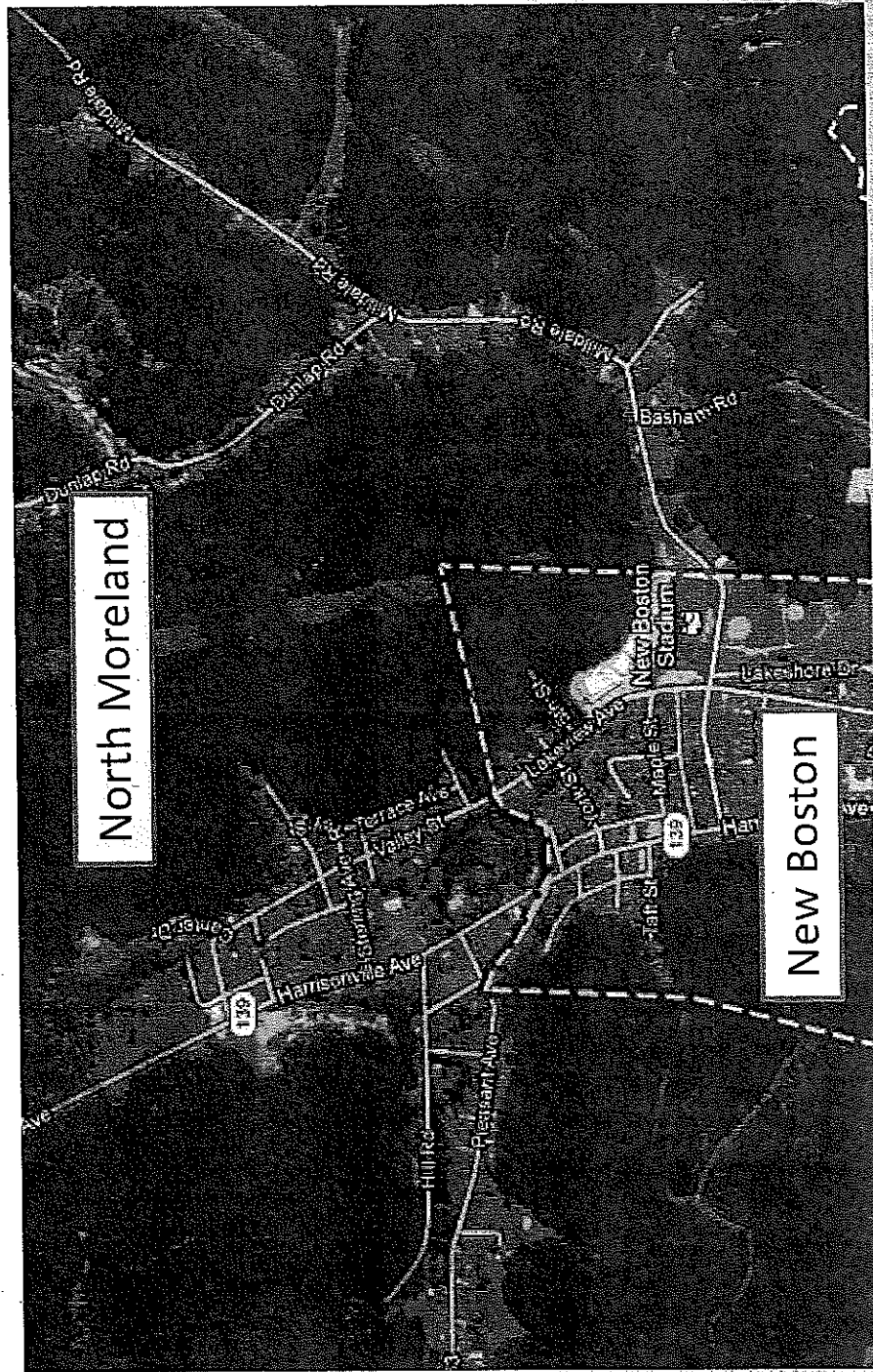
NOTE: SOMC and
Hillview Retirement
Center are not
connected to
Redwood Alley Sewer



7-foot Lawson
Run Sewer

18-inch Redwood
Alley Sewer

3) Inflow and Infiltration of Stormwater into North Moreland Sewers

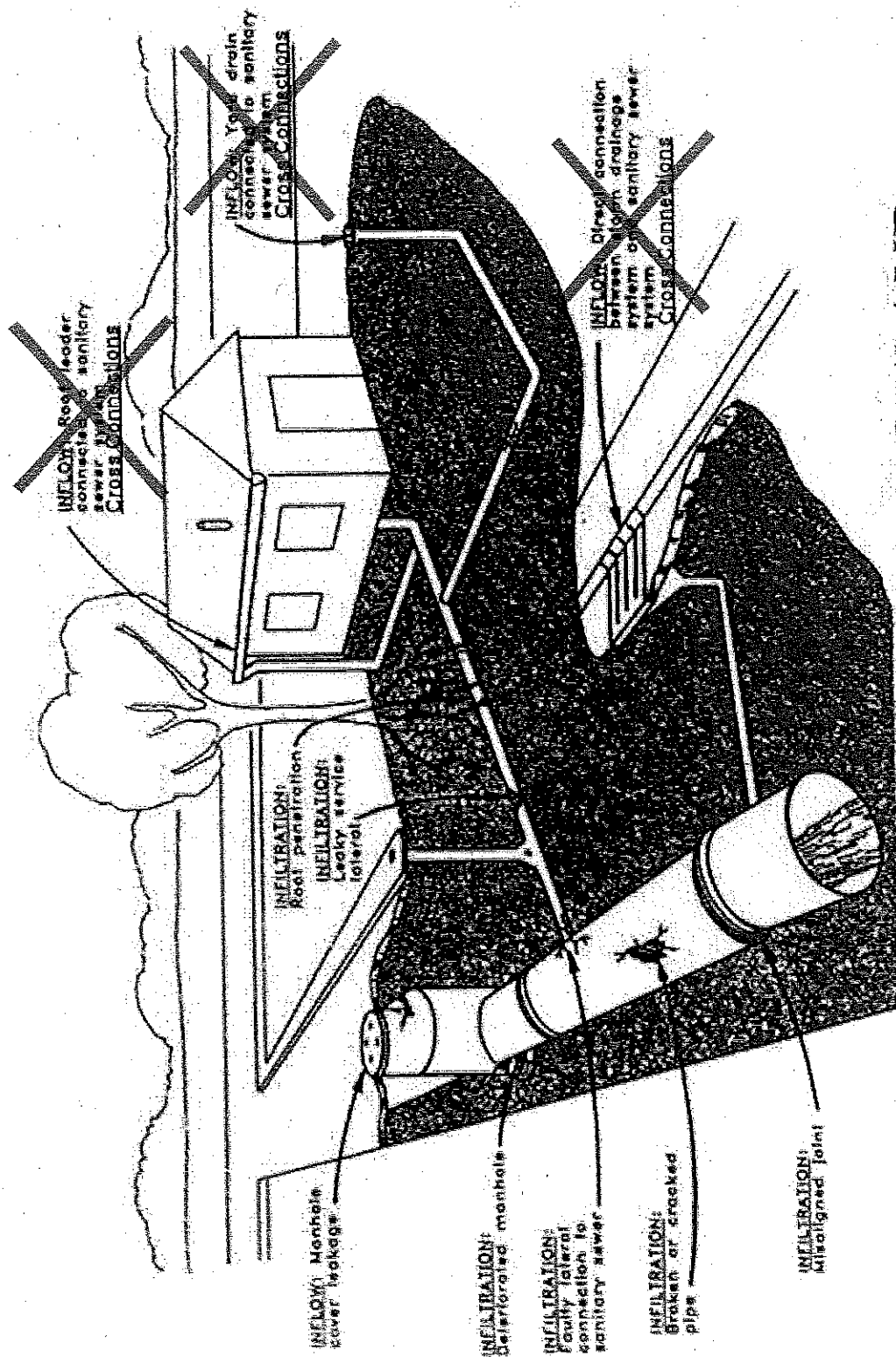


North Moreland Sewer Facts

- Much of North Moreland Sewer System was built in 1920s (approaching 100 year old)
- Clay tiles with mortar joints.
- Main sewer is parallel to and crosses under Munn's Run creek. High water table in the area.
- Rainwater causes sewer to overflow.
- Designated as a "sanitary sewer", not combined sewer.
- **Sanitary sewer overflows are prohibited.**



Inflow and Infiltration



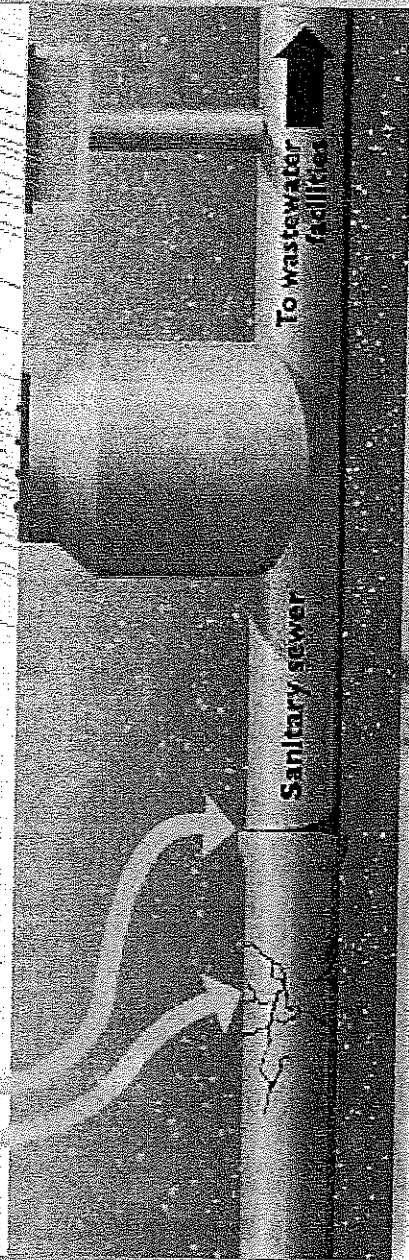
SANITARY SEWER INFLOW AND INFILTRATION (I & I) PROBLEMS



Inflow and Infiltration

Infiltration: ground water that seeps into the sanitary sewer through cracks or joints.

Inflow: rain water that enters the sanitary sewer through holes in manhole covers, catch basins, or improper plumbing connections.



<http://www.ard.bc.ca/wastewater/li/about.htm>



<http://edzorie.com/resources/educational/articles/sewer-infiltration-inflow/>



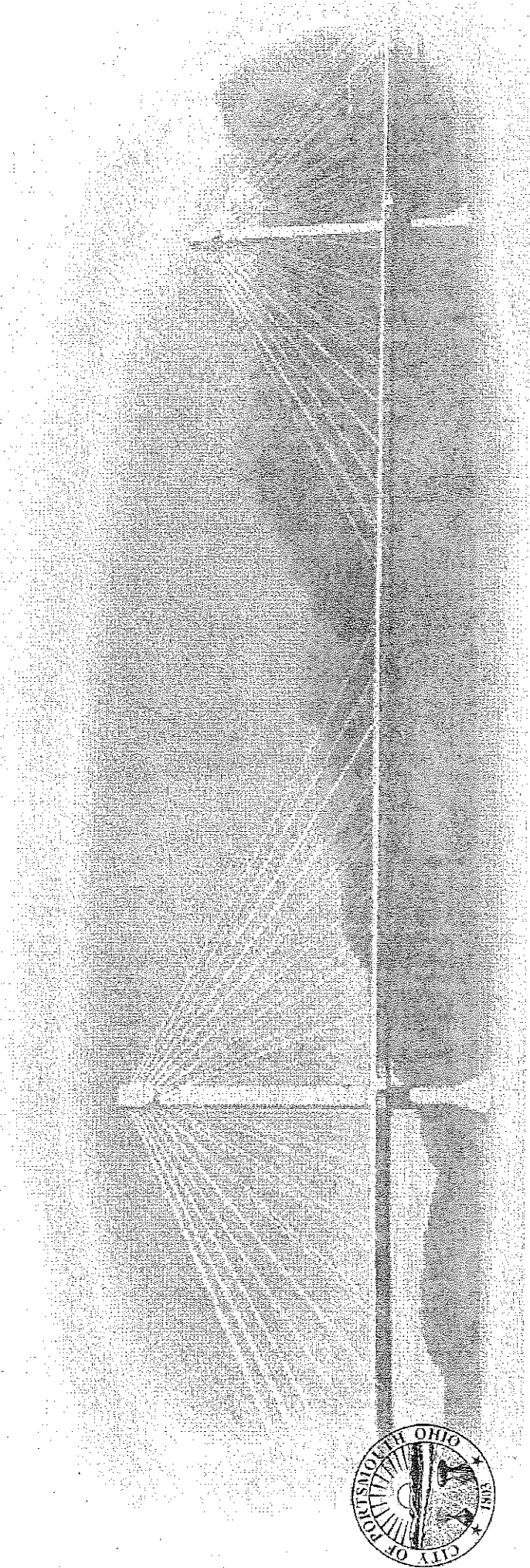
4) Reduce Combined Sewer Overflows at CSO #2 (Lawson Run)

- CSO #2 handles the largest drainage area in the combined sewer system (Area 1)
- Accounts for 54% of combined sewage in City
- Contains Lawson Run Sewer

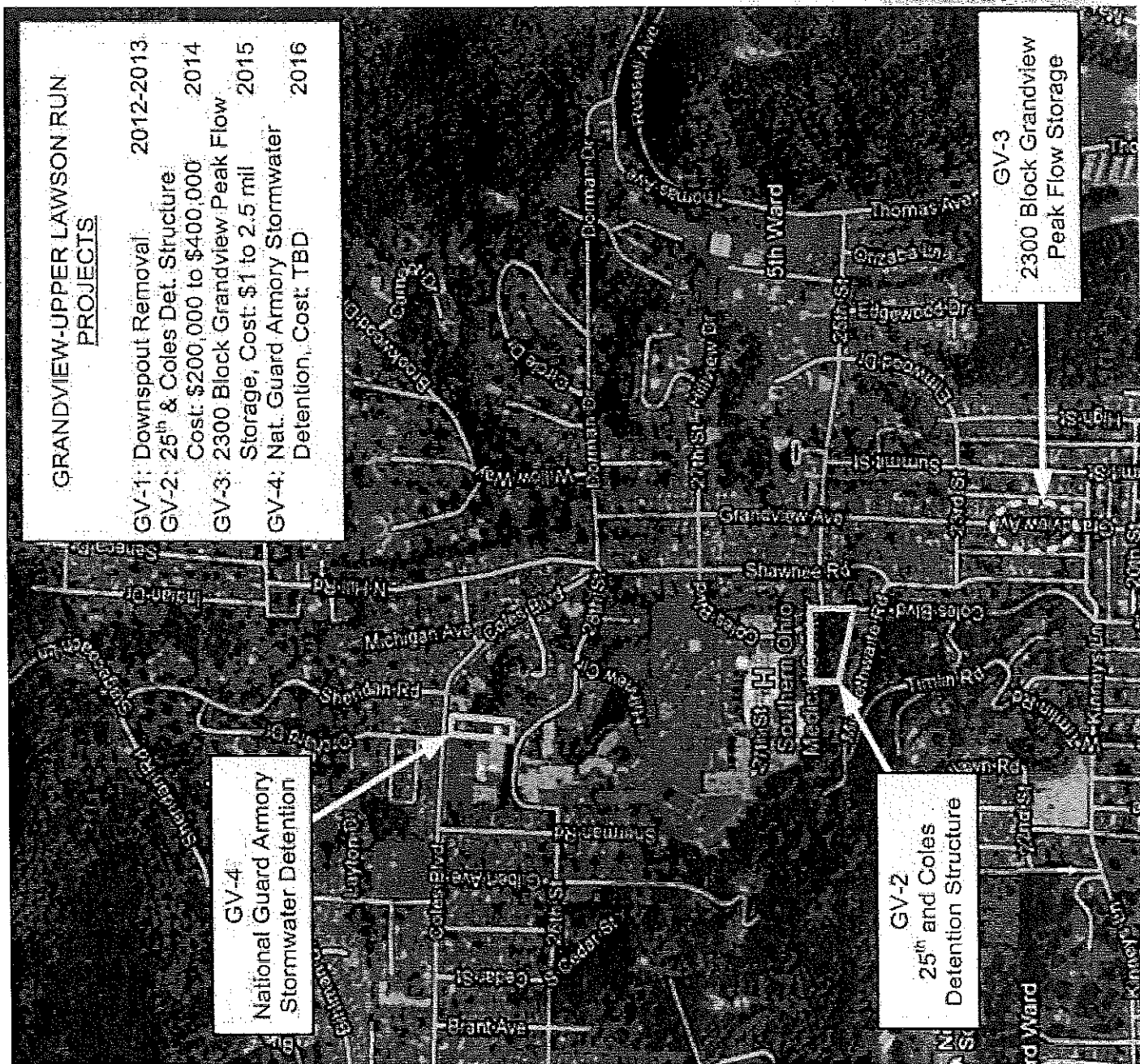


Phase 1 Priority Projects

SOLUTIONS



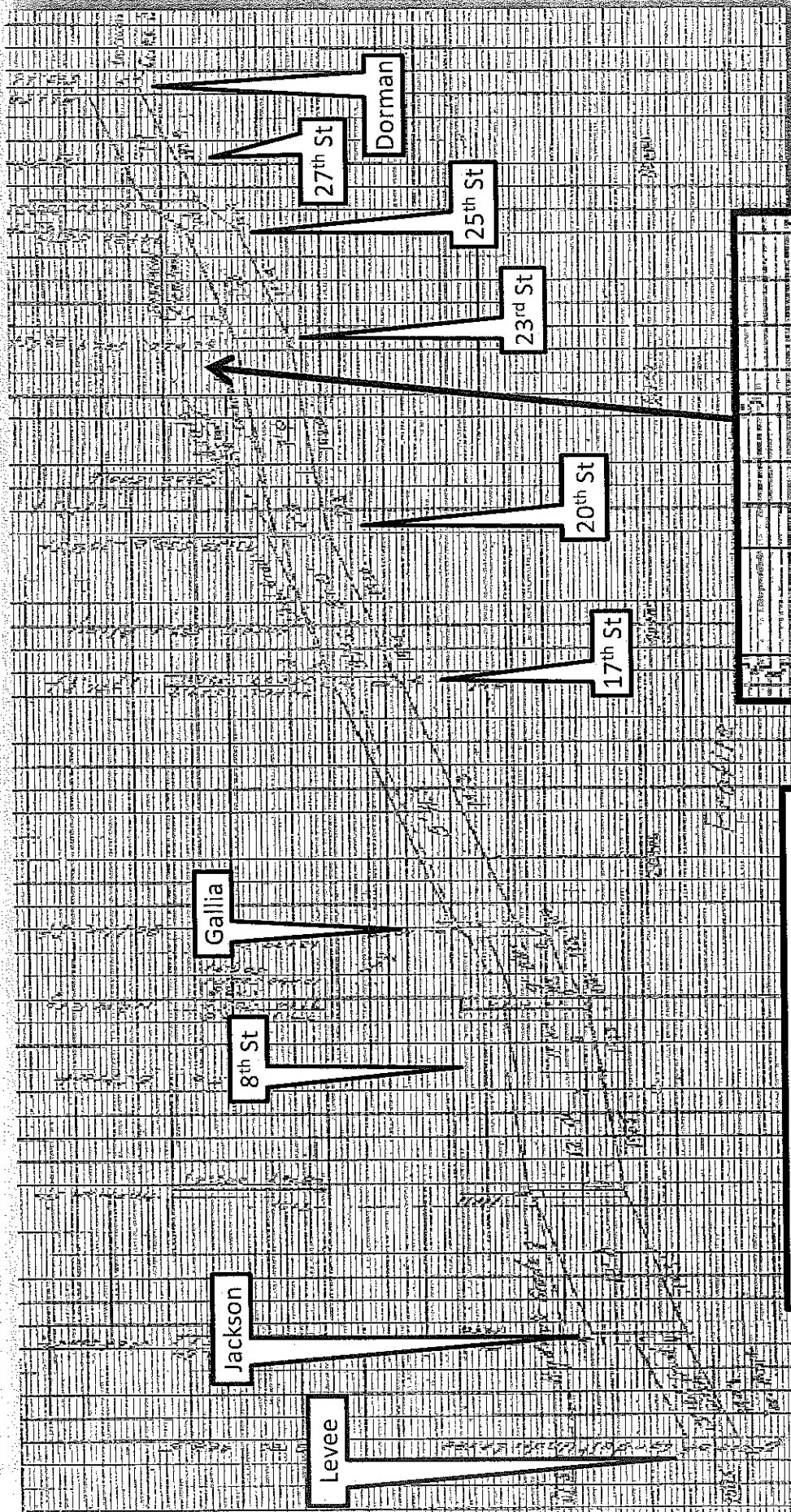
1) Surface Flooding: Grandview Ave. area



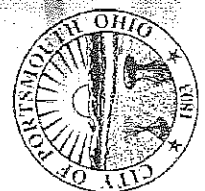


Pipe	Capacity (cfs)
11	873
10	819
9	548
8	484
7	349
6	540
5	808
4	584
3	490
2	489
1	332

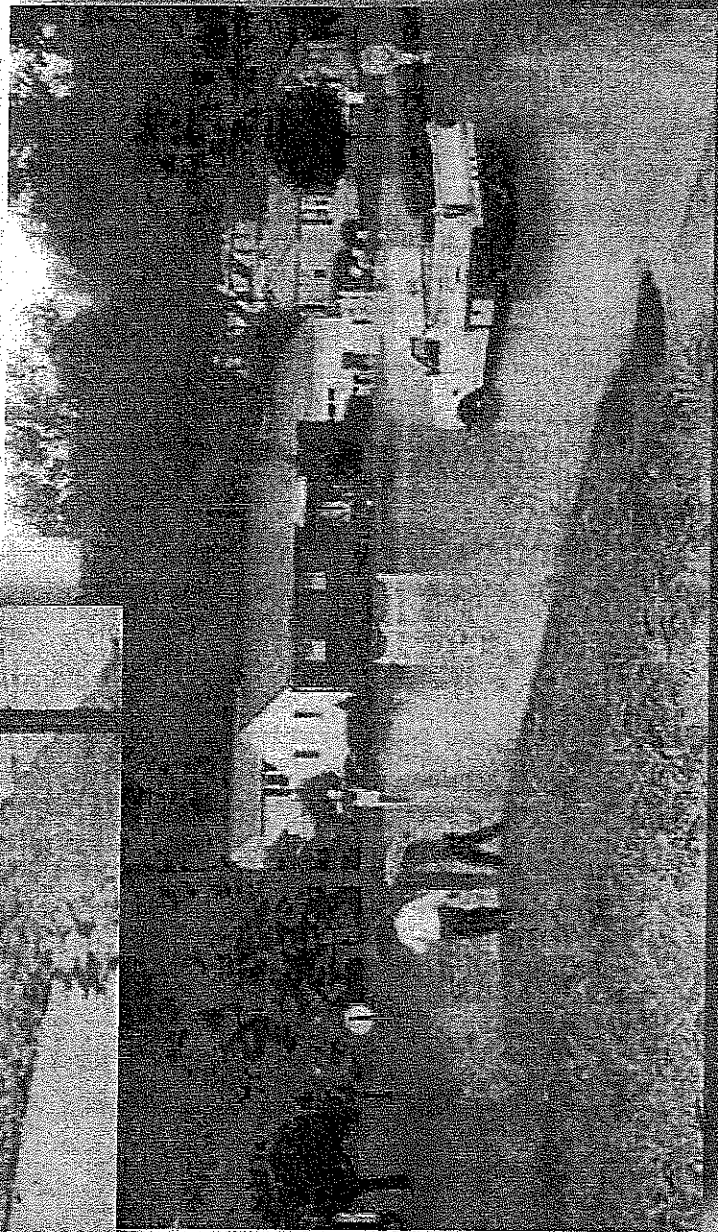
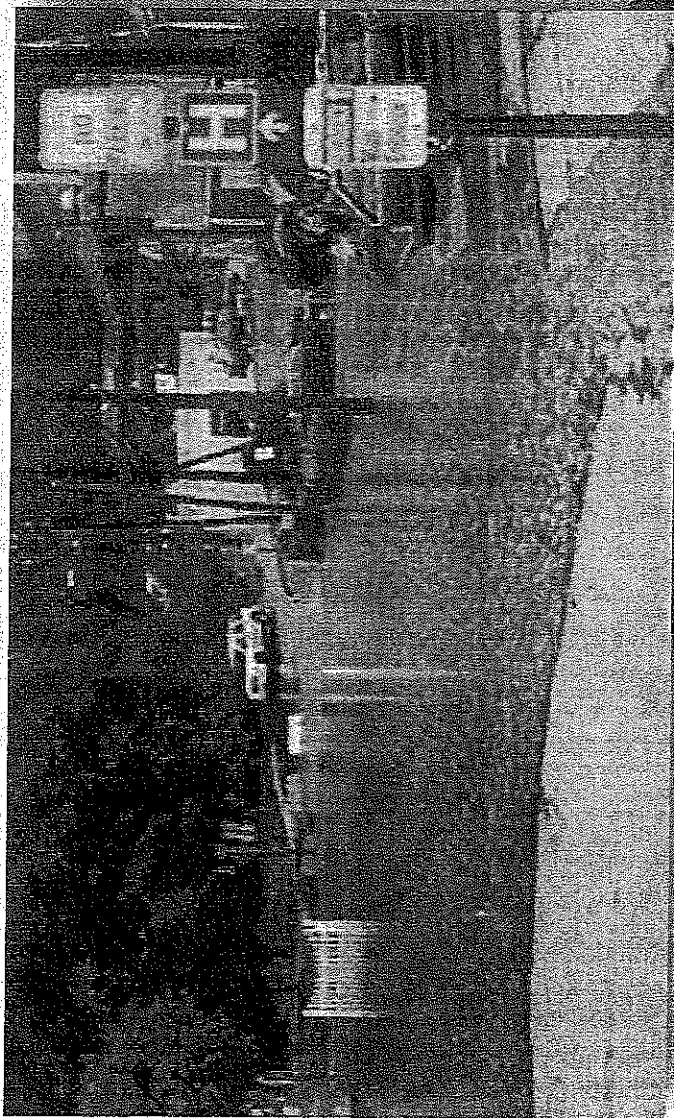




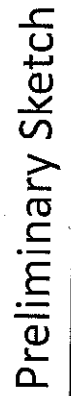
"Report on Stormwater
Sewers", February 1957
By Greeley and Hansen,
Engineers, Chicago



25th and Shawnee
June 4, 2008



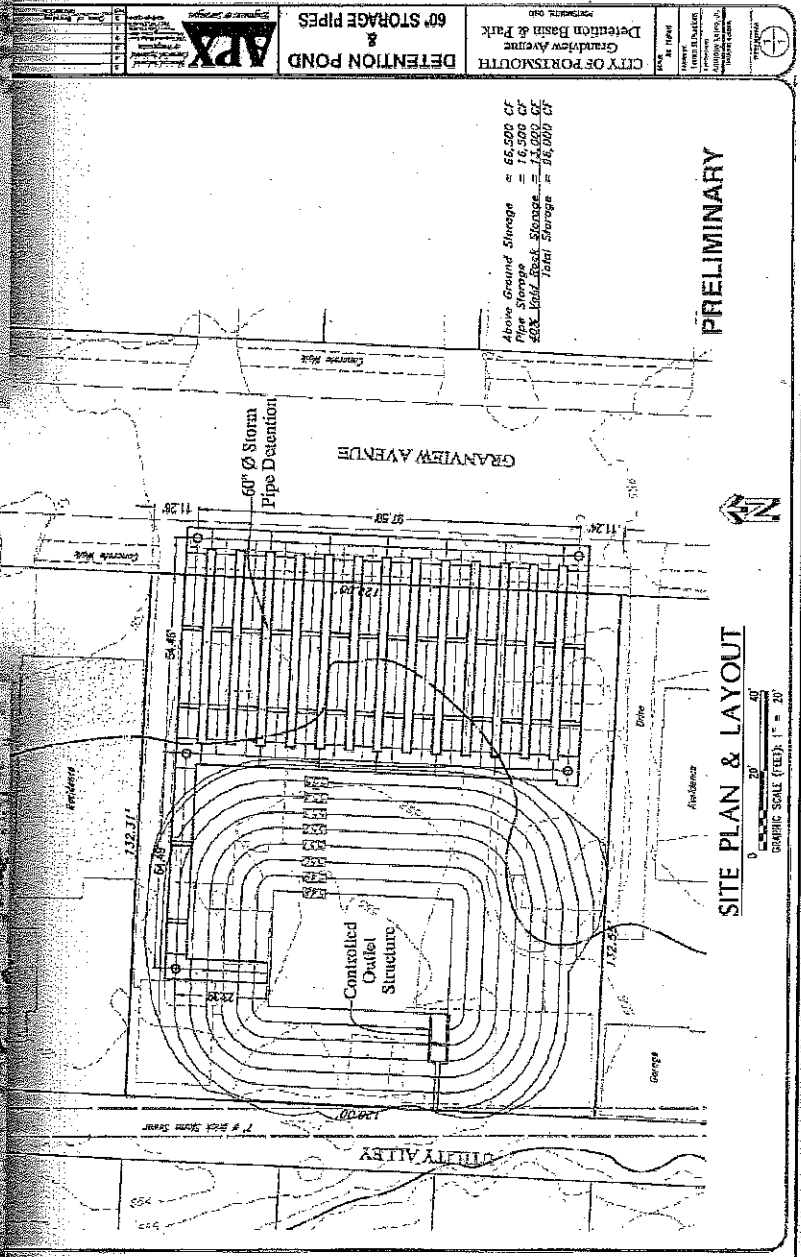
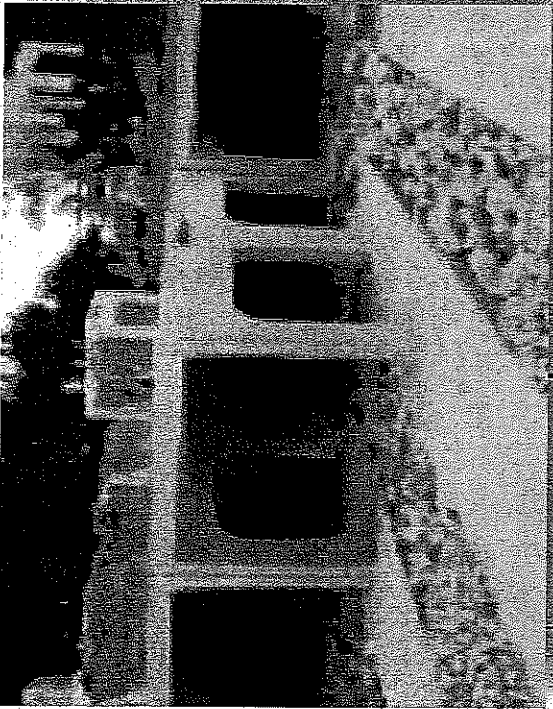
- Ravine drains 10% of area north of 23rd Street.
- Project would hold large amount of stormwater and release it at a slow rate to the Lawson Run Sewer. (Stormwater detention.)



PEAK FLOW STORAGE (2300 Block Grandview)

-
- LOW STORAGE (2300 Block Grandview)**
- underground storage of stormwater.
- is in excess of Lawson Run Sewer capacity.
- in back after storm is over.
- PROPERTY OWNERS NAMES ARE BASED ON THE SCIOTO COUNTY AUDITOR'S DATA
- 2300 GRANDVIEW
- REDWOOD ALLEY
- 23RD STREET
- 10-inch
- Check valves to be installed at these locations
- SYMBOL LEGEND
- PROPERTY BOUNDARY
- CONTAINER MAJOR
- CONTAINER MINOR
- PLANET IN BACK AFTER FLOODING LAWN OUT AGAINST CITY
- Approximate extent of flooding Mar. 1, 1997 and Jun. 4, 2008
- Redwood Alley Sanitary Sewer (18-in.)
- Lawson Run Storm Sewer (7-foot)





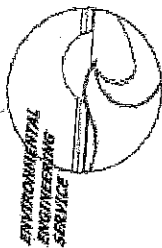
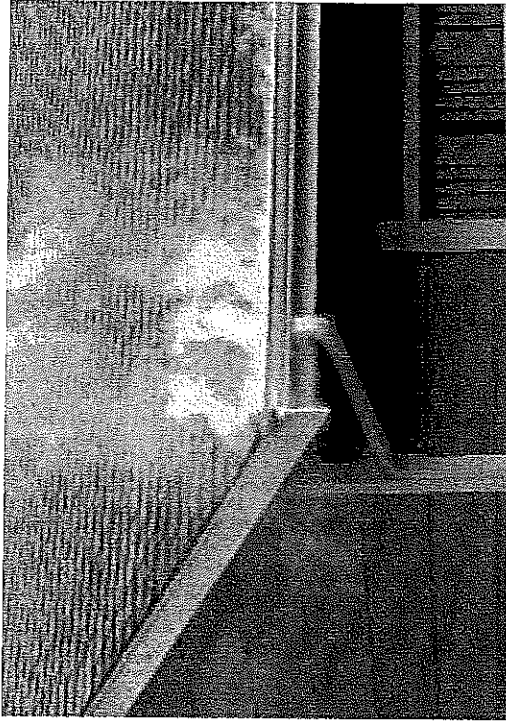
PROJECT GV-4

National Guard Armory-Coles Blvd.

- In discussions with US Army to add stormwater detention.
- Army has agreed to do the project.
- Not in Administrative Order at this time.



2) Basement Flooding: Grandview Ave. Area



CITY OF PORTSMOUTH

Sanitary Sewer System Study
for
Grandview Area

Scioto County, Ohio
2012

PREPARED BY:
ENVIRONMENTAL ENGINEERING SERVICE
3575 COLUMBIA ROAD
LEBANON, OHIO 45036



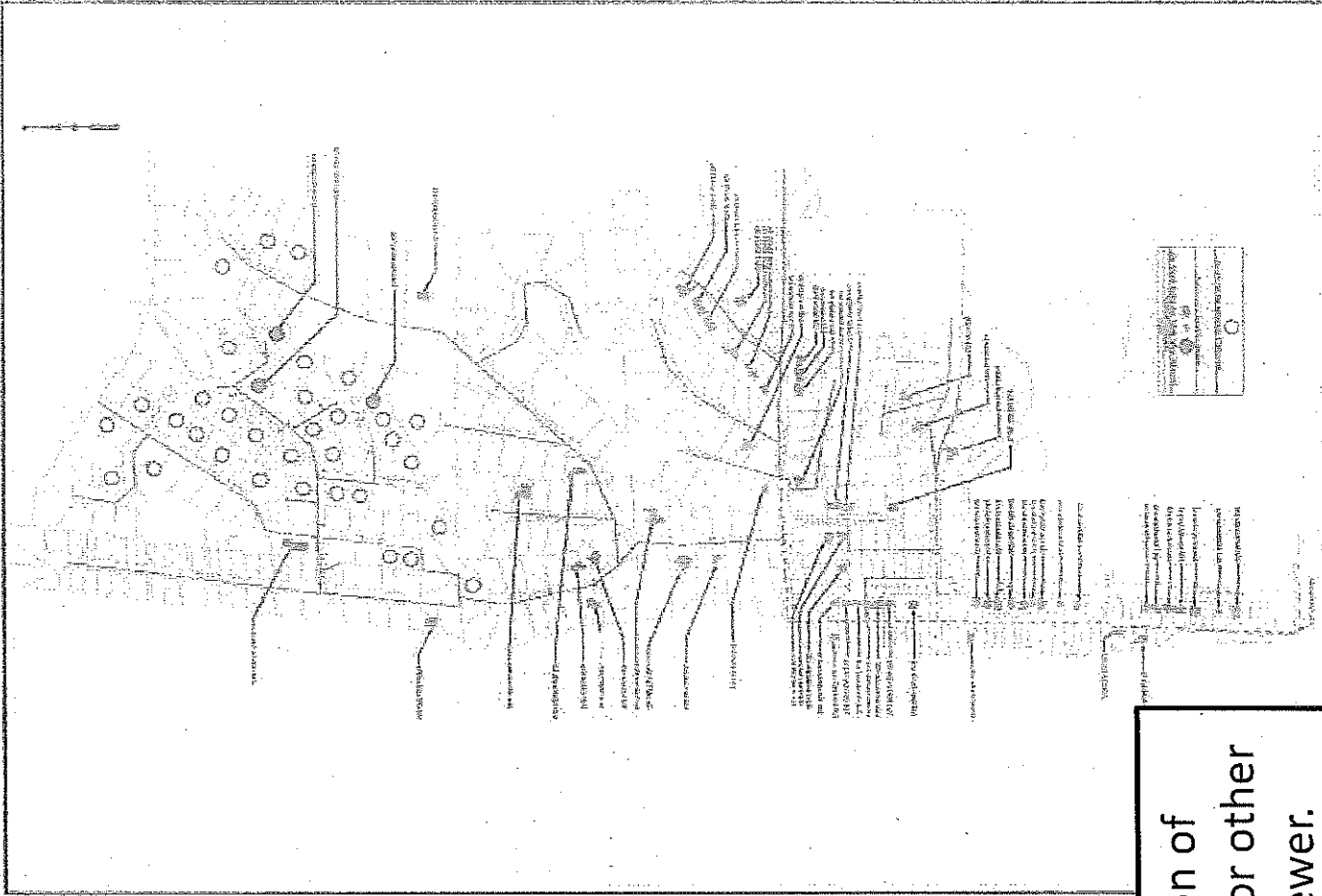
According to the Sewer System Study:

* 47 downspouts and 16 broken private sewers or cleanouts are allowing rainwater into Redwood Alley Sewer.

* In heavy rains the capacity of the sewer is exceeded causing basement backups on Grandview Ave.

US EPA directed the City to work with property owners to rainwater connections to the Redwood Alley Sewer.

Pink spots indicate location of homes with downspouts or other connections to sanitary sewer.



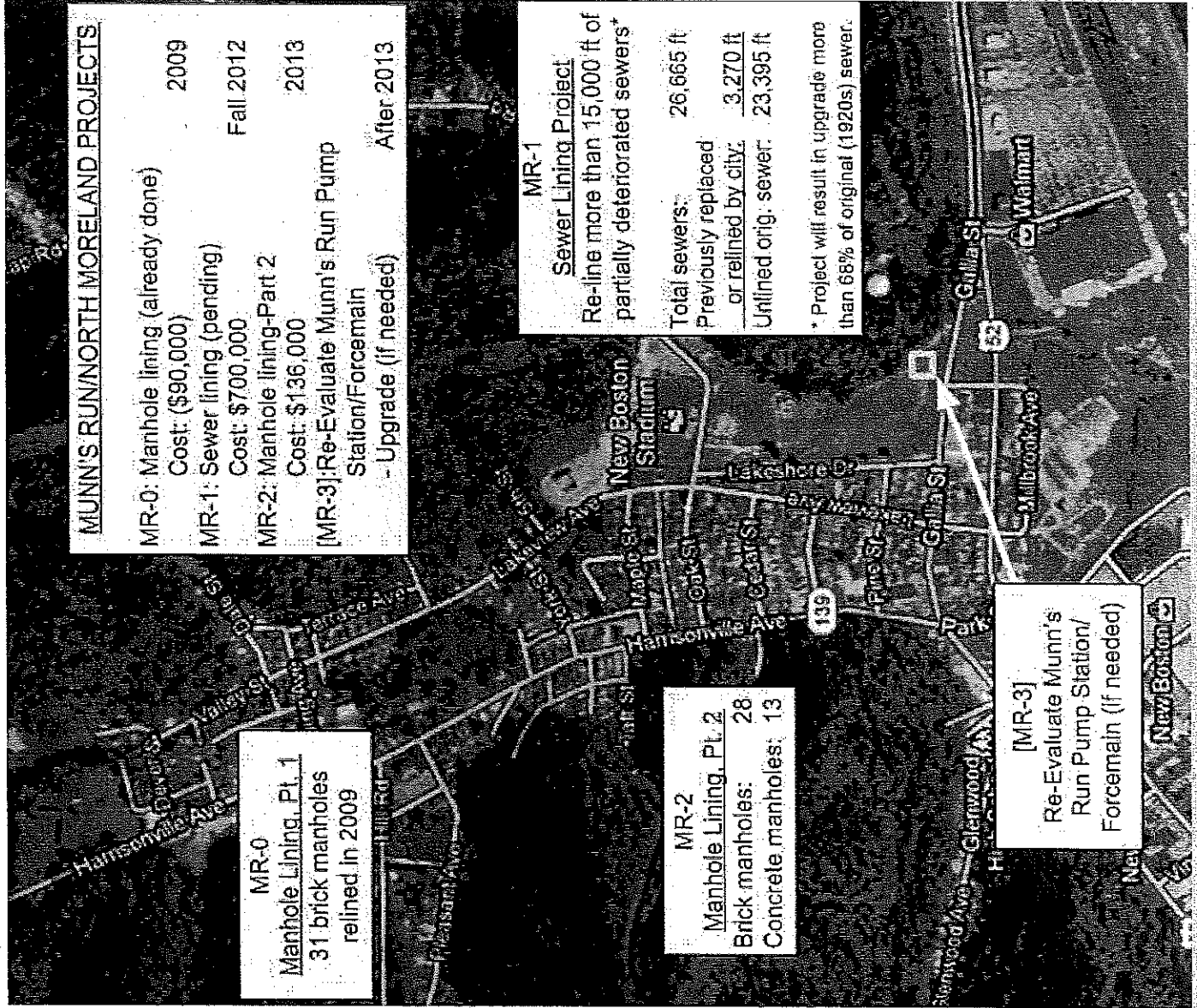
PORTSMOUTH, OHIO CITY OF PORTSMOUTH		SANITARY SEWER SYSTEM STUDY FOR GRANDVIEW AREA		SANITARY SEWER SYSTEM STUDY CITY OF PORTSMOUTH	
DATE	10/1/03	BY	10/1/03	DATE	10/1/03
BY	10/1/03	DATE	10/1/03	DATE	10/1/03

- July 2012: Grandview Area Sewer System Study and report completed.
- August 2012: Report sent to US EPA for review.
- Sept.-Oct. 2012: notice sent to 63 homeowners requiring disconnection of downspouts and other connections.
- January 26 and 29, 2013: Three meetings held with residents to discuss disconnection efforts.

TO DATE, 21 of 63 connections are believed to have been resolved. Efforts are ongoing.



3) Inflow and Infiltration of Stormwater into North Moreland Sewers



Manhole Repairs In North Moreland Meet EPA Guidelines

By FRANK LEWIS
PDT Staff Writer

A \$90,000 project which began last week in the North Moreland area of Portsmouth will save taxpayers money and meet a request by the EPA at the same time.

Manholes in that area, many of which are in deteriorated condition, are being repaired, and will be returned to a "like new" condition.

"They are doing about 30 manholes," Portsmouth Wastewater Department Director Rick Duncan said. "They go in and get them prepared. They're doing that right now, putting a grout on the inside of the manhole, and either later this week or next week, they're going to come in and spray a layer of an epoxy inside the manhole, so it will be like a new manhole when they get done with it."

The manholes will be repaired by lining them with a polyurethane coat-

PROJECT MR-0 (Completed in 2009)
Relined 30 sewer manholes in North Moreland.
Total cost: \$90,000 (100% CDBG Grant Funds)

Portsmouth Daily Times Tuesday, November 17, 2009

Moreland

From Page A1

ing to prevent leakage of groundwater into city sewers.

"That's going to reduce the amount of infiltration, groundwater that gets into sewers and manholes," Duncan said. "That will reduce our pumping costs at our pump station, and also it will address one of the concerns the EPA has about our collection system."

Duncan said the project is in compliance with a request from the Environmental Protection Agency. The EPA had written the city a letter two years ago saying the city needed to remove the inflow and infiltration in the North More-

land area.

Duncan said the work is being funded with a grant from the Ohio Department of Development, and the work is being done by FeeCorp, Inc., a pipeline repair contractor from Canal Winchester.

The manhole repair project is the first phase of a larger project to repair and replace manholes and sewers in the North Moreland area. The second phase is expected to commence in the spring of 2010 with funds from the Ohio Public Works Commission.

The work on the current project should be completed by mid-December.

FRANK LEWIS may be reached at (740) 353-3101 Ext. 232



Wayne Allen
■ Daily Times
A \$90,000 project which began last week in the North Moreland area of Portsmouth will save taxpayers money and meet a request by the EPA at the same time. Manholes in that area are being repaired and will be returned to a "like new" condition. Pictured are Anthony Dye being lowered into the sewer, while Rick Webb lowers him down.



PROJECT MR-1 (Currently Underway: 2012-2013)

**Reline up to 15,000 feet of deteriorated sewers.
Rehabilitation of up to 68% of original sewers.**

Total cost: \$770,000

Fall 2008: Applied for
Ohio Public Works funds

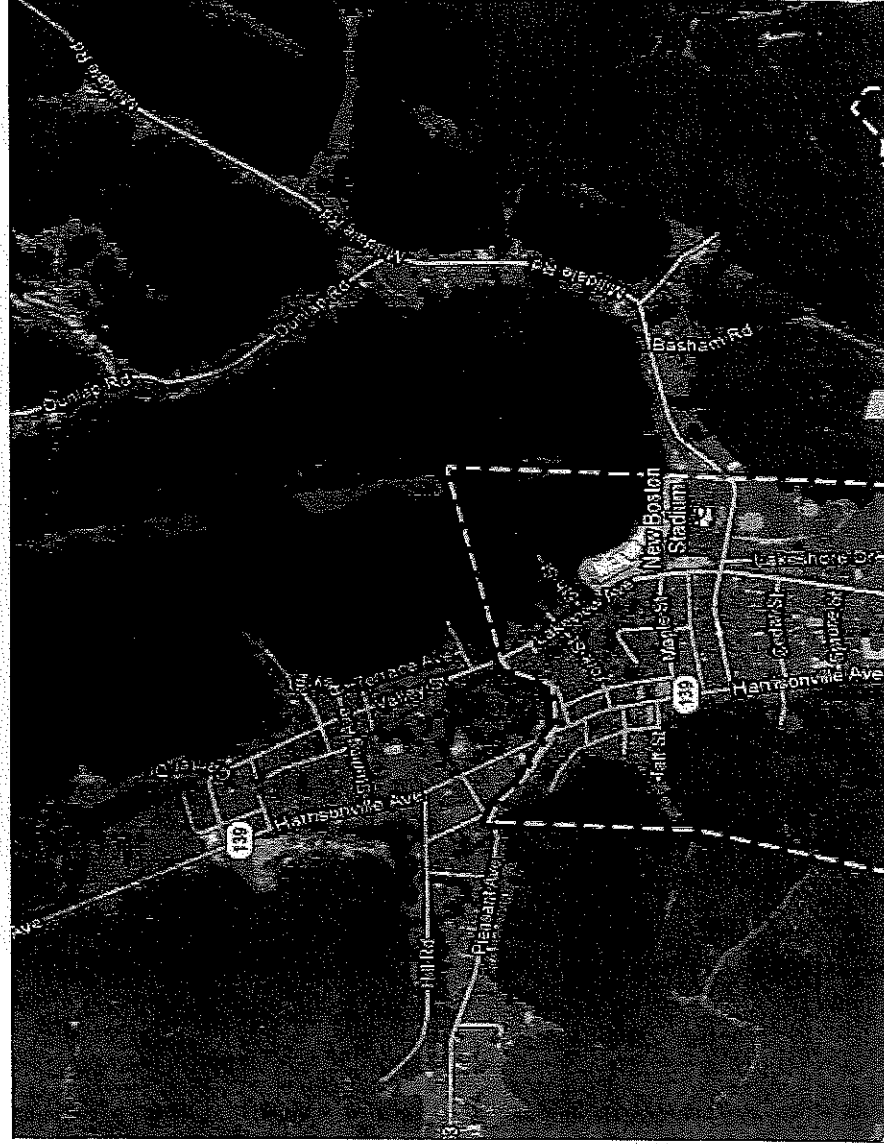
July 2009: Awarded funds

- \$400,000 grant
- \$250,000 zero int. loan
- \$120,000 city funds

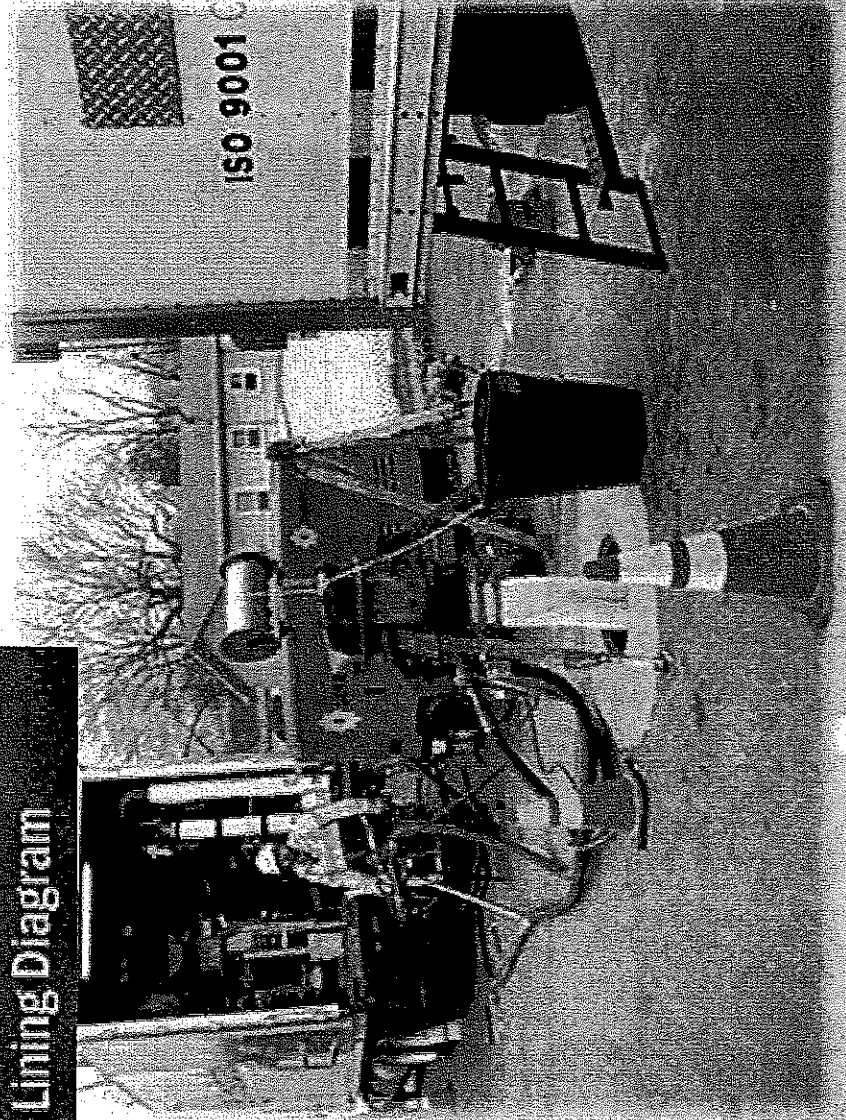
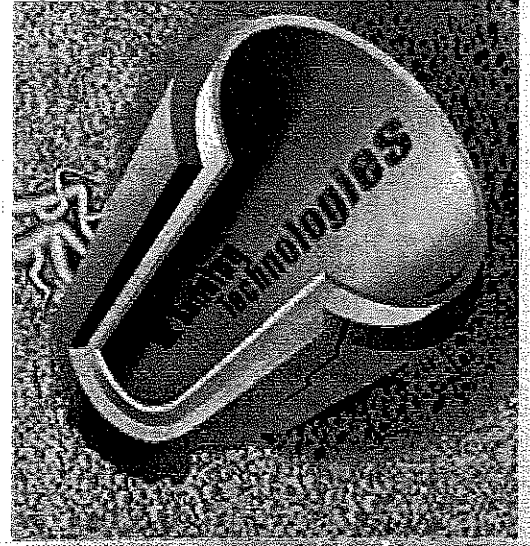
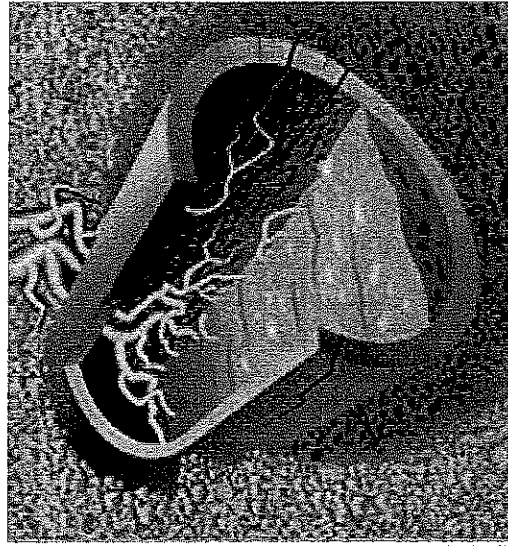
2011: Requested
extension of time from
Ohio Public Works

2012: Contract awarded

July 2013: Contract
completion



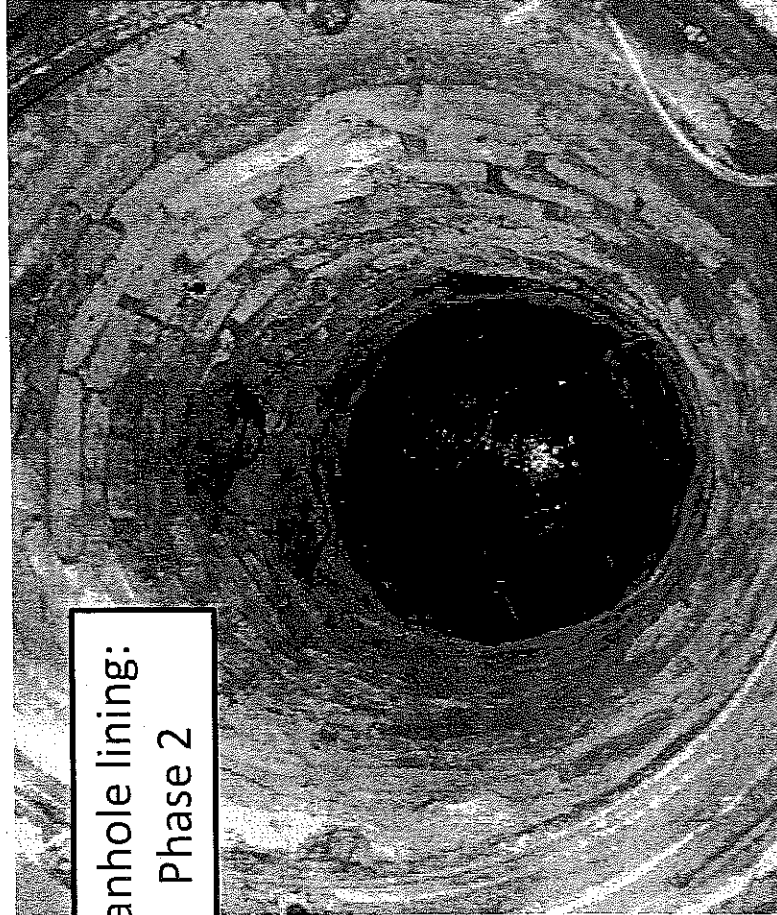
MR-1: Sewer lining technology



PROJECT MR-2 (Planned 2013)

Reline 41 manholes (28 brick manholes, 13 concrete). All remaining brick manholes will be refurbished with this project.

Total cost: \$130,000 (100% CDBG Grant)



Manhole lining:
Phase 2



PROJECT MR-3 (To be determined)

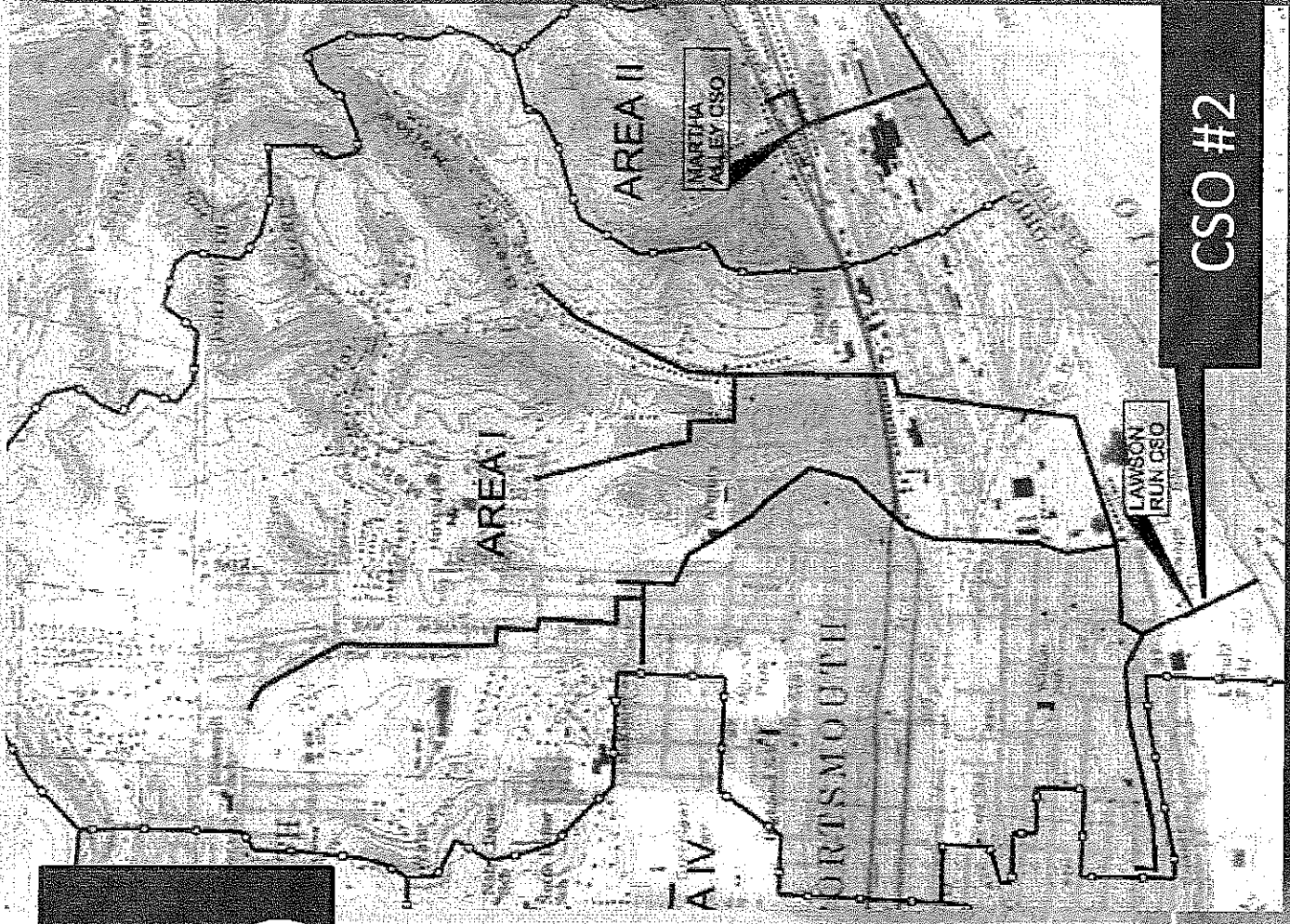
Follow-up with additional work if necessary.



4) Reduce Combined Sewer Overflows at CSO #2 (Lawson Run)

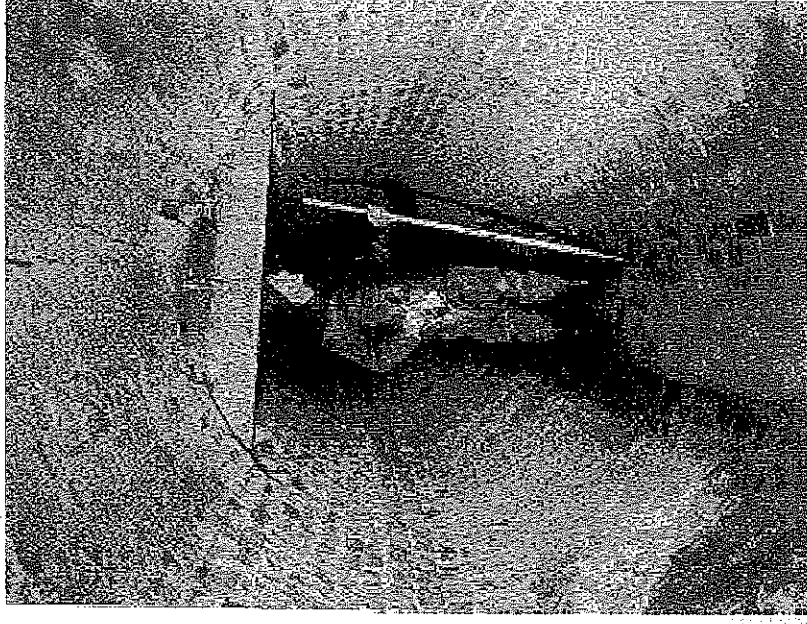
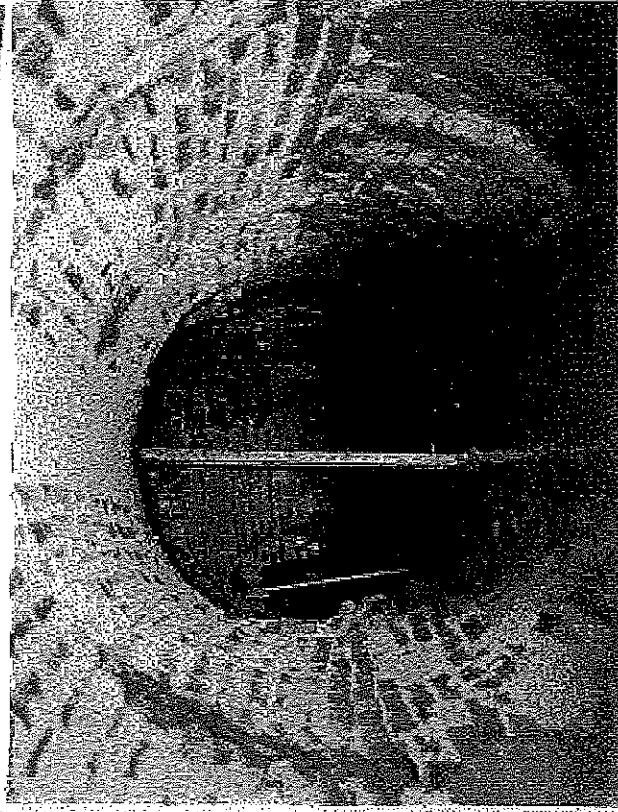
Lawson Run Sewer drains 1,499 acres, and accounts for approximately 54% of City's Combined Sewer Overflows.

Several action items related to Lawson Run Sewer.



CSO #2

- Lawson Run Sewer is approaching 100 years of age.
- It runs beneath a major highway (US 52), multiple railroad tracks, and directly under several houses.
- It is frequently subject to surcharges.

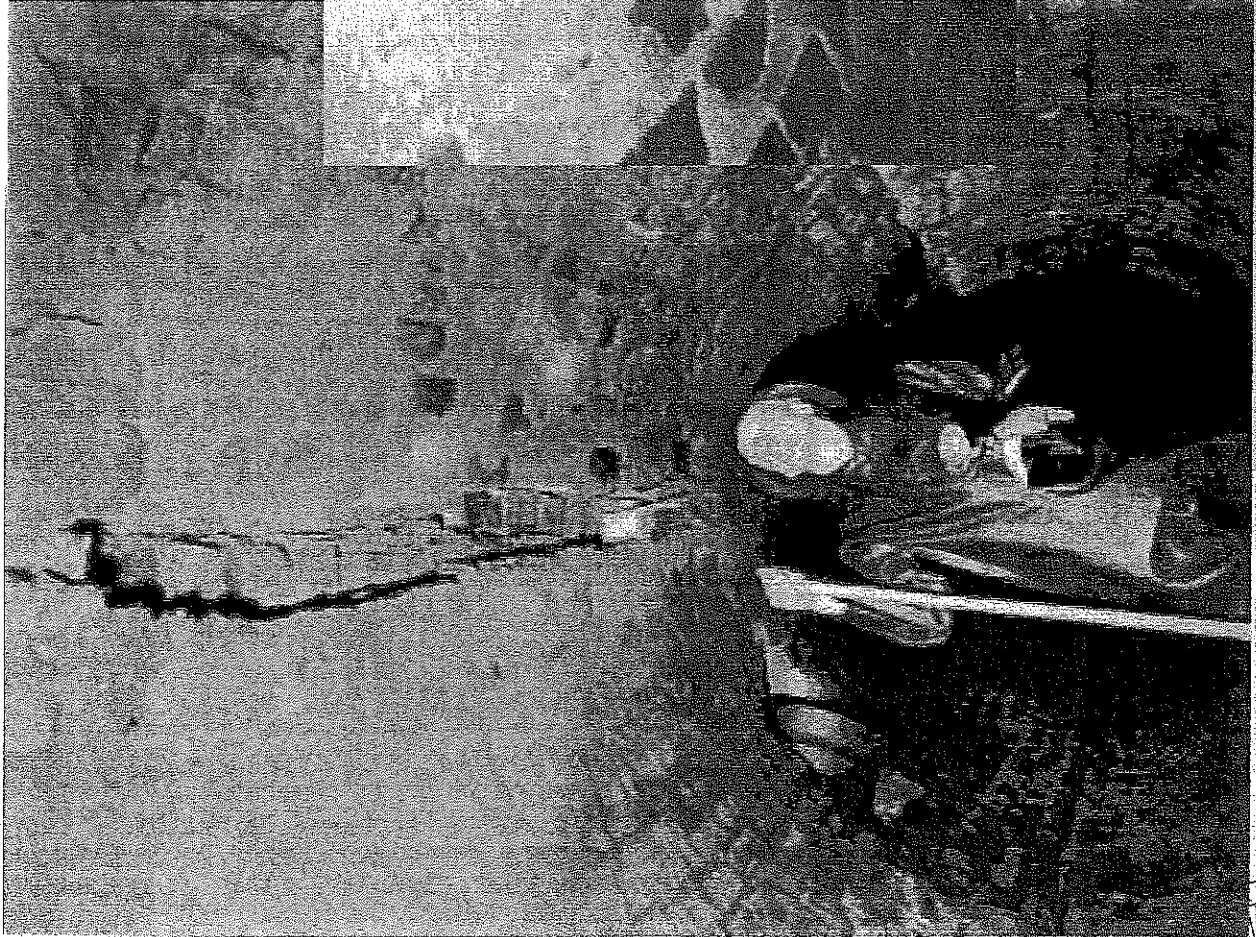


Other than the Wastewater Treatment Plant...

**THE LAWSON RUN SEWER IS
THE MOST IMPORTANT PIECE
OF SEWER INFRASTRUCTURE
IN THE CITY OF PORTSMOUTH.**



The City has performed
limited inspections of the
Lawson Run Sewer.....

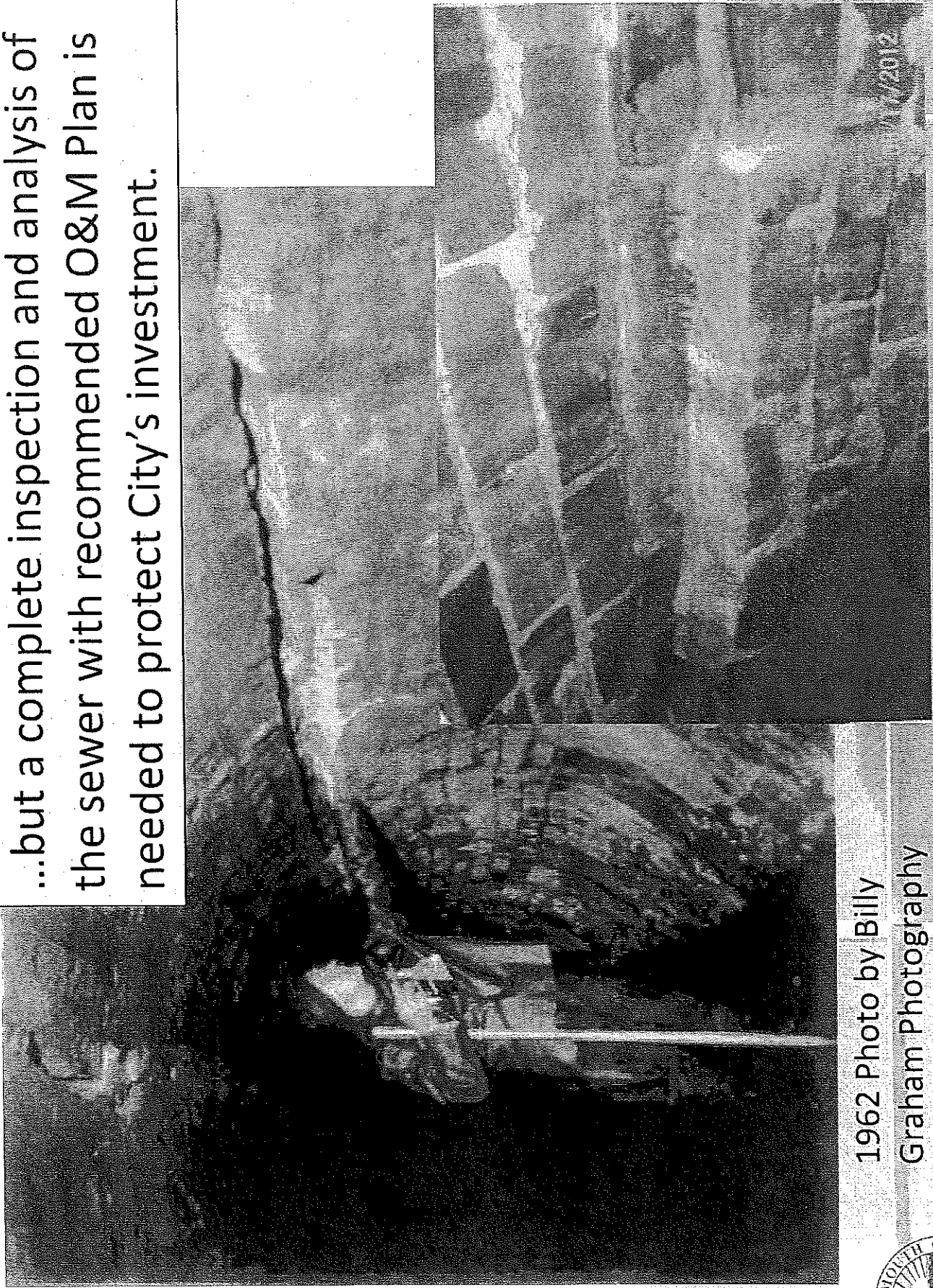


05/17/2012

1962 Photo by
Billy Graham Photography



...but a complete inspection and analysis of the sewer with recommended O&M Plan is needed to protect City's investment.



1962 Photo by Billy

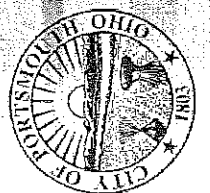
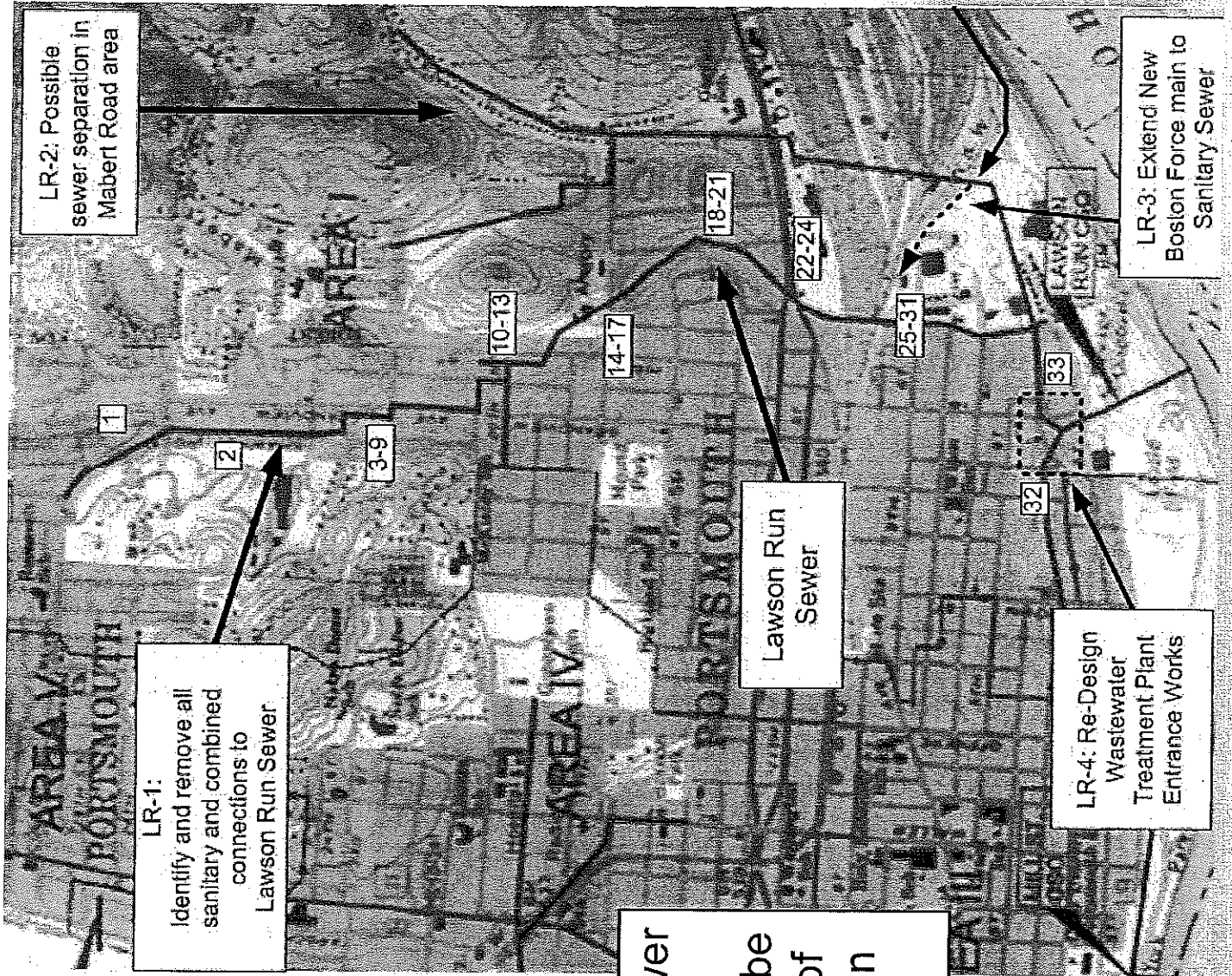
Graham Photography



11/2012

Conduct Lawson Run Sewer Separation Feasibility Study

There are 33 known sanitary sewer connections into Lawson Run. Many occur in clusters and may be addressed with the installation of lift stations and force mains to an appropriate sewer.



Lawson Run Sewer Separation Study

Separation of Lawson Run sewer

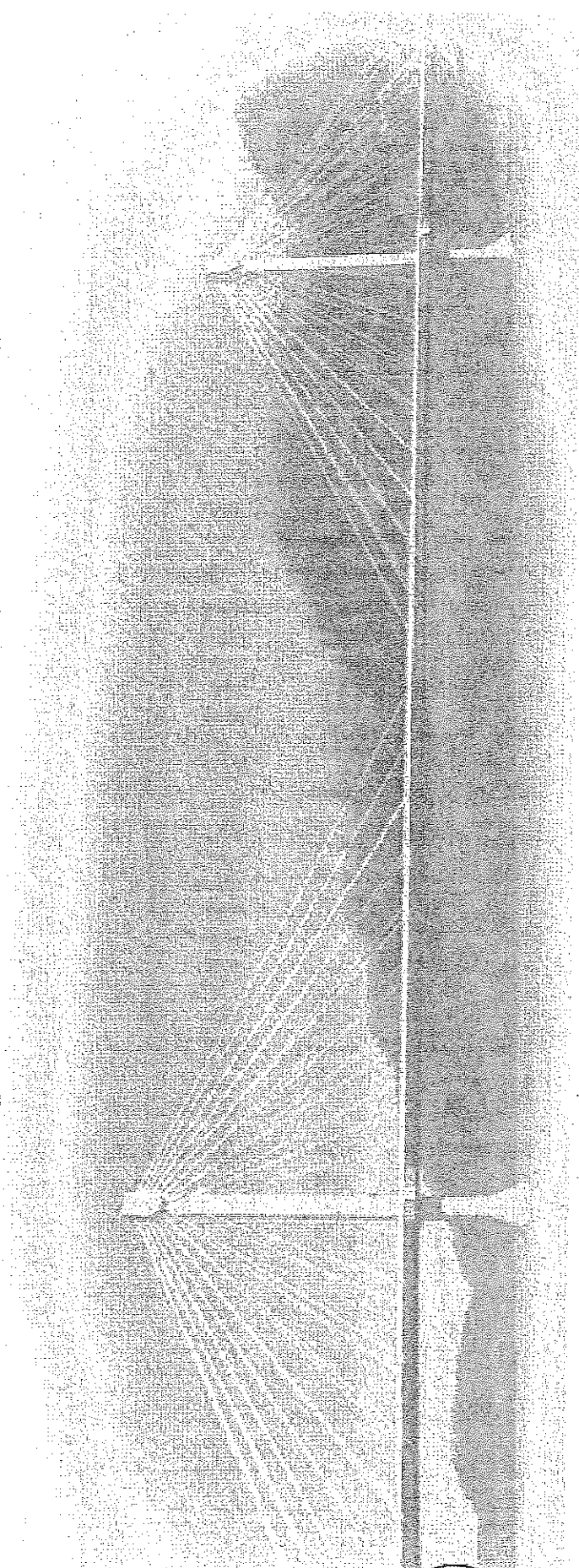
- *Portions may be done by in-house forces
- *Affordability analysis
- *Possible removal of more than 54% of combined sewage

Typical standard for CSO removal is 85%.



Lawson Run Sewer Computer Modeling

Computerized modeling of Lawson Run drainage area will determine if planned improvements are sufficient, or if additional stormwater projects are needed.



What is Phase TWO?

- Further CSO elimination-dependent on results of Lawson Run Sewer Study.
- Follow-up on North Moreland Improvements.
- Additional stormwater remediation.
- Downspout removal in other parts of Portsmouth.
- Sciotoville Improvements
- Phase 2 projects contingent upon affordability



Regulatory Approach

- 2011 EPA officials agreed to re-negotiate an Administrative Order on Consent with City to address the most immediate priorities for public health and environment within an affordable budget



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:) DOCKET NO. V-W-12-AO-
)
CITY OF PORTSMOUTH, OHIO)
) PROCEEDING UNDER SECTIONS
) 308 AND 309(a) OF
) THE CLEAN WATER ACT
RESPONDENT)

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tunka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

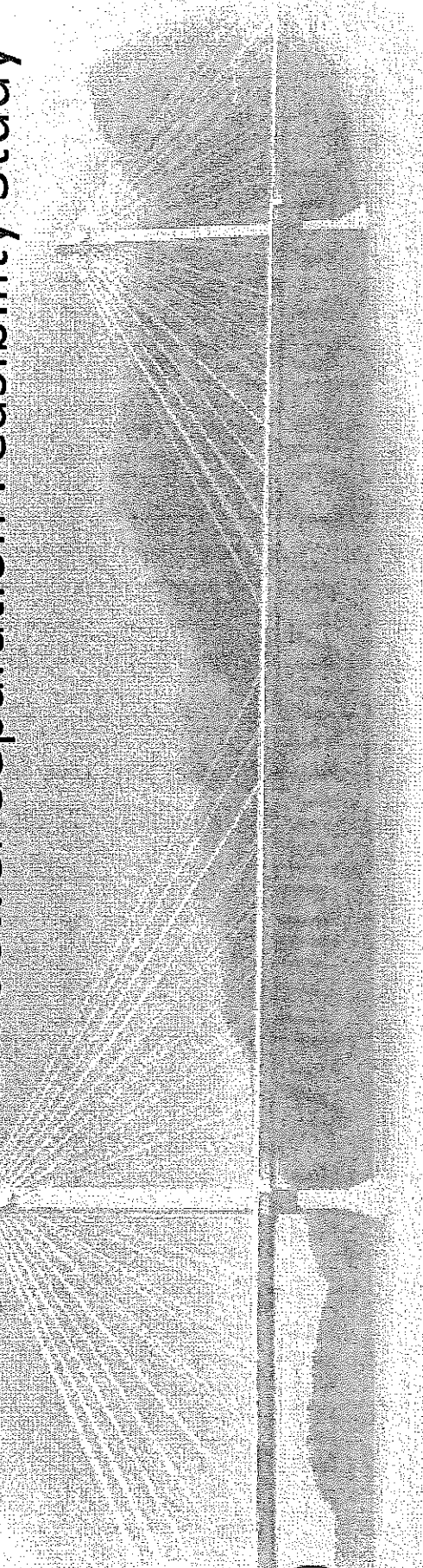
Summary of Administrative Order on Consent

- Submit an Overflow Emergency Response Plan (OERP)
- Prepare a Sewer System Management, Operation and Maintenance (MOM) Program
- Implement North Moreland Sewer Lining Project
- Submit Funding Applications for Planning, Design and Construction for Coles Street Retention Project and Grandview Ave. Storage Project



Summary of Administrative Order on Consent

- Initiate Engineering Agreements for Design of Coles Street Retention and Grandview Ave. Storage Projects
- Issue Letters to 47 Property Owners Requiring disconnection of downspouts in Grandview Ave. Area
- Perform Post-Construction Monitoring of Sewers
- Perform Inspection of Lawson Run Sewer
- Conduct Lawson Run Sewer Separation Feasibility Study



Summary of Administrative Order on Consent

Miscellaneous Requirements:

- Reporting of System Releases within 5 Days of Occurrence
- Bimonthly Progress Reports
- Annual Reports
- Monitoring at Munn's Run Pump Station



Summary of Administrative Order on Consent

Schedule:

04/01/13	Verification of Downspout Disconnection
04/01/13	Complete Visual Inspection of Lawson Run Sewer
07/15/13	Complete North Moreland Sewer Lining
12/31/13	Complete TV Inspection of Tunnel Sewers
12/31/13	Complete North Moreland Manhole Rehab
10/01/14	Complete Construction of 25 th and Coles Street Retention Basin
03/31/15	Complete Construction of 2300 Block of Grandview Ave. Storage Project



Summary of Administrative Order on Consent

Estimated Project Costs:

- | | |
|----------------------------------|-------------------------------|
| • North Moreland Sewer Lining | \$ 836,000 (funding obtained) |
| • Coles Street Retention Basin | \$ 250,000-400,000 |
| • Grandview Ave. Storage Project | \$ 1M -2.7M |
| • Lawson Run Study & Inspection | \$ TBD |

Other Requirements of Order

- Increased cleaning /televising schedule
- Increased O&M (implications: staff and equipment)
- Increased reporting to EPA
- **Preventive vs. reactive approach**



Question and Comment



Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 10:12 AM
To: David Malone; RDuncan1@falcon1.net
Cc: Vantil, Barbara
Subject: RE: Your Request-reply/Portsmouth, OH
Attachments: image001.jpg

Hi Mayor Malone and Rick,

Thank you for your follow up.

Rick Duncan shared the transcript of February 12, 2013 public hearing this morning. He is anxious to get the comments I received from the OEPA's Public Affairs. I will share the comments that I got from the OEPA Public Affairs with you all. Basically, it contains the names of the personnel who attended the meeting and their contact information.

Thank you for sharing the transcript of February 12, 2013 public hearing and special thanks to Mayor Malone and (John H.) solicitor's office for providing the Court reporter. We now have official records of the public hearing.

I will provide my comments concerning completeness of the information provided by the City quickly. I want to let you know also that Steve Sturgill had indicated what information he is looking for from Rick Duncan to all concerned. I believe Steve Sturgill has made it crystal clear what he is looking from Mr. Duncan.

Thank you.

Sudhir Desai
312/886-6704

From: David Malone [DMalone@portsmouthoh.org]
Sent: Thursday, May 09, 2013 8:06 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; ssurgill@zoomnet.net; rduncan1@falcon1.net
Subject: RE: Your Request

Mr. Desai,

I am most interested in and eagerly awaiting your comments to the city's response to your requests. I met with Mr. Duncan yesterday for the purpose of ascertaining where we were in the process and the information that we needed to provide to move forward with our plans. After spending a considerable amount of time with Mr. Duncan, I was very comfortable with the information he provided me relating to the AOC. I would like to know the information that the city hasn't been **fully** responsive to so that we can properly address it to your satisfaction. Thank you very much and, again, I look forward to your comments.

David A. Malone

Mayor
728 Second Street Rm 1
Portsmouth, Ohio 45662
Ph. (740)354-8807 - Fx. (740)354-8809

From: Desai, Sudhir [<mailto:desai.sudhir@epa.gov>]
Sent: Wednesday, May 08, 2013 4:18 PM
To: ssurgill@zoomnet.net

Cc: David Malone; Vantil, Barbara

Subject: Your Request

Hi Steve,

I have reviewed the information supplied to me by the City. Based on my review, the information is not **fully** responsive the request in my opinion. I am in a process to prepare my comments shortly.

Thank you.

Sudhir,

Are you getting the information you need from Portsmouth?

Steve Sturgill

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 8:16 AM
To: Prichard, Gary
Subject: FW: February 12, 2013 meeting transcript

Gary,
FYI.

From: Desai, Sudhir
Sent: Friday, May 10, 2013 8:15 AM
To: rduncan1@falcon1.net
Cc: 'David Malone'; Vantil, Barbara; Ruggles, Kris; john lyons; Scott Foster; DeMonte, Jessica E.
Subject: RE: February 12, 2013 meeting transcript

Thank you Rick for sharing the transcript.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Friday, May 10, 2013 7:59 AM
To: Desai, Sudhir
Cc: 'David Malone'; Vantil, Barbara; Ruggles, Kris; john lyons; Scott Foster; DeMonte, Jessica E.
Subject: Re: February 12, 2013 meeting transcript

Transcript from meeting as requested.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 8:16 AM
To: rduncan1@falcon1.net
Cc: 'David Malone'; Vantil, Barbara; Ruggles, Kris; john lyons; Scott Foster; DeMonte, Jessica E.
Subject: RE: February 12, 2013 meeting transcript

Thank you Rick for sharing the transcript.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Friday, May 10, 2013 7:59 AM
To: Desai, Sudhir
Cc: 'David Malone'; Vantil, Barbara; Ruggles, Kris; john lyons; Scott Foster; DeMonte, Jessica E.
Subject: Re: February 12, 2013 meeting transcript

Transcript from meeting as requested.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, May 10, 2013 7:37 AM
To: Scott.Foster@epa.ohio.gov
Subject: RE: A friend recommended this for you on Portsmouth Daily Times

Thank you Scott.

Sudhir

From: Portsmouth Daily Times [customer@matchbin.com]
Sent: Friday, May 10, 2013 6:46 AM
To: Desai, Sudhir; Vantil, Barbara; Jennifer.Witte@epa.ohio.gov
Subject: A friend recommended this for you on Portsmouth Daily Times

Scott Foster (Scott.Foster@epa.ohio.gov) wanted to share this with you

[Village receives \\$2M grant for sewer project](#)

Portsmouth Daily Times

05.10.13 - 01:00 am

Ryan Scott Ottney

PDT Staff Writer

New Boston Village Administrator Steve Hamilton told members of Village Council during their meeting Tuesday evening that New Boston will receive a \$2 million grant for sewer projects. New Boston is the only community in Ohio to receive the grant, he said, but the village still needs \$1 million more to complete the project which is required by the Environmental Protection Agency (EPA).

Part of the sewer problem comes from blocked ...

[Click here to read the entire article](#)

Thanks for reading!

Portsmouth Daily Times

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, May 08, 2013 3:53 PM
To: 'Steve Sturgill'
Subject: RE: Your Request

I will do that Steve.

Thank you.

Sudhir

From: Steve Sturgill [<mailto:sssturgill@zoomnet.net>]
Sent: Wednesday, May 08, 2013 3:26 PM
To: Desai, Sudhir
Subject: Re: Your Request

Sudhir,

Please keep me updated, I have a council meeting on Monday, May 13th and if you have comments to make I would like to know. I have another issue on the agenda concerning Mr. Duncan's office.

Steve Sturgill

On 5/8/13 4:18 PM, "Desai, Sudhir" <desai.sudhir@epa.gov> wrote:

Hi Steve,

I have reviewed the information supplied to me by the City. Based on my review, the information is not **fully** responsive to the request in my opinion. I am in a process to prepare my comments shortly.

Thank you.

Sudhir,

Are you getting the information you need from Portsmouth?

Steve Sturgill

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, May 08, 2013 3:18 PM
To: ssturgill@zoomnet.net
Cc: 'David Malone'; Vantil, Barbara
Subject: Your Request

Hi Steve,

I have reviewed the information supplied to me by the City. Based on my review, the information is not fully responsive to the request in my opinion. I am in a process to prepare my comments shortly.

Thank you.

Sudhir,

Are you getting the information you need from Portsmouth?

Steve Sturgill

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, May 08, 2013 11:33 AM
To: 'David Malone'
Cc: Vantil, Barbara; rduncan1@falcon1.net
Subject: February 12, 2013 meeting transcript

Hi Mayor Malone,

it is my understanding that the City had the Court reporter present during the February 12, 2013 public meeting.

Could you please share the transcript of the above meeting with us asap. I had requested this information earlier but I have not received it yet. Please feel free to share this request with others in your organization as you deem appropriate so that I can get the above information..

As of today's date, the Agency has received 6 (six) public comments. All the comments were shared with you (and Rick Duncan). I received Rick Duncan's feedback on the first 5 public comments. I will appreciate if City can provide its feedback on the last public comment quickly.

Thank you.

Sudhir Desai
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, May 08, 2013 10:13 AM
To: Prichard, Gary
Subject: FW: Public Comments to Portsmouth Ohio DAO
Attachments: OEPA-WPCLF Submission memo 2.27.13.pdf

Hi Gary,

FYI.

From: Desai, Sudhir
Sent: Friday, May 03, 2013 12:03 PM
To: Desai, Sudhir
Subject: FW: Public Comments to Portsmouth Ohio DAO

From: Taryn [tegner@enveng.com]
Sent: Friday, May 03, 2013 7:51 AM
To: Desai, Sudhir
Cc: Frank Leone; Steve Canter; dmalone@portsmouthoh.org; ssturgill@zoomnet.net
Subject: Public Comments to Portsmouth Ohio DAO

Dear Mr. Desai,

In response to your request that we provide comment regarding Portsmouth LTCP, please find attached a list of questions which need to be evaluated.

These questions represent issues which need to be clarified in order for the City of Portsmouth to have a clear understanding of its long term obligation.

Feel free to call Frank Leone or Steve Canter should you have any questions.

Sincerely,

Taryn Carter
Environmental Engineering Service
3575 Columbia Rd.
Lebanon, Ohio 45036
PH: (513) 934-1512
Fax: (513) 934-1515

QUESTIONS REGARDING OEPA – WPCLF SUBMISSION INFORMATION

- How can the City proprot to be seeking “Principle Forgiveness” when it doesn’t meet the threshold requirements as defined by OEPA?
- How can the City request a 30 year amortization for its WPCLF borrowing when the maximum term as defined by OEPA is 20 years?
- The submissions by the City to the WPCLF Program request the borrowing of \$4.59M for the so called Phase I Projects. Based on the WPCLF loan terms (without “Principle Forgiveness”) what is the maximum annual Debt Service Payment for the Phase I Projects?

QUESTIONS REGARDING THE DAO

- What are the potential sanctions/ penalties associated with non-compliance with the DAO either with items or time schedules?
- What are the anticipated costs associated with the development of the required MOM and the implementation of the MOM elements?
- Do the commitments identified in the current DAO end the City’s requirements for further LTCP and/or CSO elimination?
- What is the current status of an approvable LTCP for the City of Portsmouth?
- Is there a specific federal threshold (i.e. % of MHI) above which the City will not be required to comply with LTCP/ CSO elimination implementation?

QUESTIONS REGARDING PUBLIC MEETING PRESENTATIONS

- The presentations left the clear impression that the commitments made by execution of the DAO were only targets subject to “fairly simple” adjustment. Is this the position of USEPA?
- The presentation represented that the work completed toward the satisfaction of the DAO is a new LTCP. Is this the position of USEPA?
- The presentation represented that the “308” request initiated by USEPA is “fairly routine” practice of no major significance. Is this a factual characterization of the document?
- The presentation left the clear impression that the City’s obligation to USEPA for LTCP/CSO elimination is limited to expenses up to those fundable by sewer rates of 2% of MHI. Is this the position of USEPA?
- The presentation indicated that the immediate focus of CSO #2 (rather than smaller up stream CSO projects which would reduce the problem at CSO #2) is a focus being required by EPA. Is that true?
- The presentation described the potential project to separate all 33 sanitary sewer connections from the Lawson Run Storm Sewer as a “fairly affordable project”. Has the City provided any documentation estimating this “fairly affordable” project?

Comments:

Larry Essman:

The citizen is encouraged to contact the City of Portsmouth Sewer Department regarding his concerns about downspout removal. Disconnection of downspouts from 47 residences north of 23rd Street in the Grandview Area is a requirement of the proposed Administrative Order on Consent. It was not a unilateral action by the City of Portsmouth.

Robert Forrey:

1. At this time, Phase Two projects have not yet been identified. The actual projects to be chosen will depend on the results of work completed in Phase One.

Possible Phase Two projects include:

- Lawson Run Sewer Separation, depending on the results of the Lawson Run Sewer Feasibility Study.
- Additional inflow and infiltration removal in the North Moreland area, depending on the effectiveness of Phase One efforts.
- Additional stormwater mitigation in the upper Grandview area.

The cost of possible Phase Two projects is unknown at present.

2. Enforcement language in the proposed Administrative Order on Consent (AOC) is typical of language used in other agreements negotiated by US EPA. The agency intends to enforce the AOC.

3. The 2010 proposed Long Term Control Plan (LTCP) called for the following financial obligations for the City of Portsmouth:

- The expenditure of \$69,720,000 million for 7 major sewer improvements to be constructed by 2024. (Table 6-2 and Figure S-1.)
- Annual sewer rate increases of 8% every year for 14 years. (Page 2 of Introduction, Table 6-1.) This amounts to a 294% total rate increase.
- Increased annual debt service of \$5,326,200 by 2024 (Table 6-1, Appendix 6: Worksheet 1)
- Increase in the annual sewer bill for the average household from \$309 to \$968, an increase of 313%. (Table 6-1, Appendix 6: Worksheet 1)

In the judgment of the current city administration, the costs were excessive and they requested a reconsideration of the LTCP. Plan affordability is a normal consideration in the development of all LTCPs. Affordability guidelines are provided in the publication "Combined Sewer Overflows Guidance for Financial Capability Assessment and Schedule Development (Final)" (EPA 832-B-97-004). (<http://www.epa.gov/npdcs/pubs/csofc.pdf>.)

4. Phase One projects are expected to cost \$3,950,000. Annual debt service for Phase One Projects is estimated to be \$ 232,000 based on an estimated interest rate of 2.94% for 20 years. Other requirements of the AOC, such as increased sewer maintenance and cleaning, engineering, and reporting are expected to cost \$150,000 to 200,000 annually. The City estimates that, in order to pay the increased debt service and other requirement of the AOC sewer rates will have to increase by 7.7%. Phase Two projects and costs are yet to be determined.

5. The current City administration requested that the 2010 LTCP be reconsidered based on excessive costs and affordable sewer rate increases. It is anticipated that sewer projects in the proposed AOC adequately mitigate future flooding events.

6. The City states that the 95% figure is an estimate provided by the City's Public Utilities Department-Billing Division.

7. A portion of Southern Ohio Medical Center (SOMC) stormwater runoff currently flows into the natural channel south of the SOMC property line. The proposed detention basin will incorporate the natural channel. All flows that currently run into the natural channel, including existing runoff from SOMC, will be detained in the proposed detention basin. The proposed basin will detain excessive flows and slowly release them into the Lawson Run Sewer.

No modification of existing parking lots is anticipated. The city indicates that SOMC already has constructed sufficient stormwater detention at its facilities and is in compliance with current City stormwater regulations.

8. The proposed structure (2300 Block of Grandview Avenue) is expected to receive flow from the Lawson Run Sewer when the water elevation in the sewer reaches a predetermined level. After the rain event has ended, the flow it would then be drained back into the Lawson Run Sewer by gravity flow.

9. The proposed detention structures will be maintained by the City at a cost which is yet to be determined.

10. The anticipated costs of projects in the proposed AOC are less than the costs in either the 2009 Long Term Control Plan Revision or the 2010 LTCP.

11. A 2012 report ("Sanitary Sewer System Study for Grandview Area," prepared by Environmental Engineering Service) indicated that 63 homes had downspouts or other stormwater connections (47 were downspouts, 16 were other connections) that introduced stormwater into the Redwood Alley sewer, west of Grandview Avenue. This stormwater causes basement flooding in some homes that are connected to the Redwood Alley sewer. The Environmental Engineering Service report recommended that the 63 residences be required to disconnect their stormwater connections. (Recommendations, page 7.)

Implementation of the downspout removal recommendations in the Environmental Engineering Service report is a requirement of the proposed Administrative Order on Consent.

Future downspout disconnection is anticipated in other areas of the City.

12. The Environmental Engineering Service report ("Sanitary Sewer System Study for Grandview Area,"2012) estimates that "Based on a roof area of 2,000 square feet per residence and 1" of rainfall, approximately 60,000 gallons of inflow from downspouts is introduced into the sanitary system from the 47 identified cross connections. 1" of rainfall in 30 minutes has a much greater short term impact on the capacity of the collection system." (Page 3). The report also states that this is up to "20 times the normal dry weather flow." (Page 1)

13. The Environmental Engineering Service report ("Sanitary Sewer System Study for Grandview Area,"2012) concludes that "The most significant source of inflow identified by smoke testing is from residential downspouts." (Page 3)

14. The amount of stormwater runoff from SOMC, Hillview, and the National Guard Armory depends on the intensity and duration of rainfall. The City has verified that SOMC and Hillview have stormwater detention provisions in compliance with the City's current stormwater regulations, which are based on the Mid-Ohio Regional Planning Commission guidelines which are widely used in the State of Ohio.

15. The National Guard Armory does not currently have stormwater detention structures, however, the City is in discussions with US Army representatives to construct a detention structure.

16. SOMC and Hillview Retirement Center are in compliance with City stormwater regulations. Both SOMC campuses have underground detention structures and Hillview has a pond with a restricted outlet to which all of the facility's runoff is directed.

Ruth Maracek:

1. Same as Robert Forrey comment #5.

2. The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.

3. Same as Robert Forrey comment #11.

4. Same as Robert Forrey comment #15.

5. Same as Robert Forrey comment #16.

6. The City intends to have all properties appraised by a qualified real estate appraiser. The purchase price will be negotiated between the seller and the City. The City will endeavor to design and construct all improvements so that the value of neighboring properties will not be affected.

7. Same as Robert Forrey comment #3.

Additional unnumbered comment: The City intends to acquire property between 23rd and 25th Streets on the west side of Grandview Avenue to construct the proposed project. If your property is available for the city to acquire you may wish to contact the city about the matter.

Sandra Lawyer:

The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.

1. Same as Robert Forrey comment #1.
 2. Same as Robert Forrey comment #2.
 3. Same as Robert Forrey comment #3.
 4. Same as Robert Forrey comment #4.
 5. Same as Robert Forrey comment #5.
 6. Same as Robert Forrey comment #10.
 7. Same as Robert Forrey comment #14.
 8. Same as Robert Forrey comment #16.
-

Jane Murray:

1. The current City administration has determined that the proposed project described in the 2010 Long Term Control Plan (a \$1.365 million pump station near the intersection of the Grandview Avenue and 23rd Street) would not be beneficial, and it is not being considered in the AOC. Also, the 2010 LTCP called for the construction of the project, "Based on favorable action of the OPWC-LTIP Application." (Appendix d, Task 3.) The Ohio Public Works Commission (OPWC) funding application was denied.

2, 3. The current City administration believes that the \$69,720,000 cost of improvements and associated sewer rate increases in excess of 300% are unaffordable. The 2010 Long Term Control Plan determines the Residential Indicator Value (cost per household as a % of Median Household Income) to be well into the "High Burden" category at 3.29%. This is well in excess of affordability guidelines provided in the publication "Combined Sewer Overflows Guidance for Financial Capability Assessment and Schedule Development (Final)" (EPA 832-B-97-004). (<http://www.epa.gov/npdes/pubs/csofc.pdf>.)

Due to these high costs, the City requested that the 2010 Long Term Control Plan be reviewed.

4. USEPA takes the position that sanitary sewer overflow issues and building flooding issues take precedence over Combined Sewer Overflow issues. The proposed AOC prioritizes these concerns.

5. The City has determined that events such as the July 2011 basement backups on Grandview Avenue are caused by downspouts conveying excessive stormwater flows into the Redwood Alley sewer west of Grandview Avenue, rather than operation of weir gates at the wastewater treatment plant.

6. See response 2, 3 above.

7. The current proposed AOC is intended to address the City's wastewater needs at an affordable cost.

8. The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.

9. A 2012 report ("Sanitary Sewer System Study for Grandview Area," prepared by Environmental Engineering Service) indicated that 63 homes had downspouts or other stormwater connections (47 were downspouts, 16 were other connections) that introduced stormwater into the Redwood Alley sewer, west of Grandview Avenue. This stormwater causes basement flooding in some homes that are connected to the Redwood Alley sewer. The Environmental Engineering Service report recommended that the 63 residences be required to disconnect their stormwater connections. (Recommendations, page 7.)

The City has indicated that SOMC and Hillview Retirement Center are in compliance with City stormwater regulations. Both SOMC campuses have underground stormwater detention structures and Hillview has a pond with a restricted outlet to which all of the facility's runoff is directed.

It is anticipated that sewer projects in the proposed AOC adequately mitigate future flooding events.

10. The sewage grinders installed by Southern Ohio Medical Center (SOMC) in 2010 are operational and appear to be functioning satisfactorily. These are no known current problems being caused by sewage from SOMC.

11.a. In July of 2009, the City of Portsmouth submitted a report referred to as "Combined Sewer System Long Term Control Plan (Revision)," dated July 1, 2009. In January 2010, USEPA requested additional information regarding the submittal pursuant to Section 308 of the Clean Water Act. The subsequent administration responded to the Section 308 Request.

11.b. The language that you characterize as "political in nature" and "inaccurate" does not appear in the proposed Administrative Order on Consent.

11.c. Affordability analysis is typically a required section of Long Term Control Plans submitted to USEPA. The City indicates that the number of homes proposed for backflow prevention devices was a preliminary estimate for the purposes of the LTCP, which could be increased or decreased based on further information.

11.d. In subsequent discussions between USEPA and the City determined that the feasibility of sewer separation merited further examination. However the cost of the feasibility study is expected to be \$75,000 rather than \$1.25 million.

12. Mr. Duncan's slide presentation was reviewed by the Agency prior to the February 12, 2013 public meeting and was prepared by Mr. Duncan based in part of input from the Agency. All interested parties were allowed to speak and given ample opportunity to do so. The meeting did not conclude until there were no more questions or comments from the public in attendance.

13. The City has indicated that they may implement some type of stormwater fee which may be used to pay for a portion of the costs associated with the AOC.

Additional comments by Jane Murray:

1. At this time, Phase Two projects have not yet been identified. The actual projects to be chosen will depend on the results of work completed in Phase One.

Possible Phase Two projects include:

- Lawson Run Sewer Separation, depending on the results of the Lawson Run Sewer Feasibility Study.
- Additional inflow and infiltration removal in the North Moreland area, depending on the effectiveness of Phase One efforts.
- Additional stormwater mitigation in the upper Grandview area.

The cost of possible Phase Two projects is unknown at present.

2. Same as Robert Forrey comment #2.

3. Same as Robert Forrey comment #11.

4. Same as Robert Forrey comment #4.

5. Same as Robert Forrey comment #5.

6. Same as Robert Forrey comment #3.

7. Same as Robert Forrey comment #15.

8. Same as Robert Forrey comment #16.

9.a. Peer review may be conducted at the City's initiative, but is not required by the AOC.

9.b. The public comment period was extended as requested. USEPA does not intend to conduct additional hearings; however, the City may choose to do so at their discretion.

10. Mr. Desai has been involved in all discussions with the current City Administration and he remains in charge of the Agency's enforcement actions.

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 2:16 PM
To: sudhirvdesai@aol.com
Subject: FW: FW: Message from "R5-15-06"/Portsmouth, OH public comments
Attachments: AOC Comment Responses.docx

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Monday, May 06, 2013 8:59 PM
To: Desai, Sudhir; dmalone@portsmouthoh.org
Cc: Vantil, Barbara; Prichard, Gary; 'Foster, Scott'; Jennifer Witte; john lyons; Ruggles, Kris; DeMonte, Jessica E.
Subject: Re: FW: Message from "R5-15-06"/Portsmouth, OH public comments

Sudhir-

Attached are my proposed responses to the public comments you forwarded to me.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

MEMORANDUM

SUBJECT: Consent Agreement Resolving Violations of Wastewater Pretreatment Requirements;
John Deere – Seeding and Cylinder Company

FROM: Sally K. Swanson, Chief
Water Enforcement and Compliance Assurance Branch

THROUGH: Tinka G. Hyde
Director, Water Division

TO: Susan Hedman
Regional Administrator

The attached Consent Agreement and Final Order (CAFO) resolves the civil violations alleged against John Deere – Seeding and Cylinder Company (“Deere”). The Agency filed a Complaint/CAFO because it is currently an approval authority in the State of Illinois for implementing the standards for the National Pretreatment program. In 2005, Deere self-disclosed to EPA potential violations of wastewater pretreatment requirements in a permit and EPA applied its Audit Policy which allowed for a 75 percent mitigation of the gravity-based penalty.

Having taken into account the nature, extent and gravity of the violations, economic benefit or savings resulting from the violations, self-disclosure policy, and other matters as justice may require, a penalty of \$99,000 has been settled for the Clean Water Act violations. I recommend that you sign both of the attached CAFOs and this matter closed.

Attachments

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 2:12 PM
To: sudhirvdesai@aol.com
Subject: FW: Portsmouth, OH/Request from Sturgill and sewer walk through
Attachments: AOC Update Apr-13.pdf; AOC Facilities Plan Apr-13.pdf

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, April 24, 2013 9:15 AM
To: Vantil, Barbara; Desai, Sudhir
Cc: Scott Foster; David Malone; Ruggles, Kris; John Lyons; DeMonte, Jessica E.
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Barbara,

Regarding your questions:

>First, were these documents provided in their entirety to the City Council, either electronically or in hard copy?

I provided Council with the document I called the "UPDATE: USEPA/ Administrative Order on Consent (AOC)" on Monday as a hard copy. I sent that document as a PDF to Council, along with the Facilities Plan, this morning. Both documents are attached with this email

>Also, I noticed that the cost provided for the Lawson Run Sewer Separation Feasibility work did not appear to be complete. As you'll recall, there had previously been a dollar figure of \$1.25 million associated with that work. I understand the current scope, and costs, are more modest. The only price I see, though, is \$75k. It would be helpful to provide a more detailed cost estimate for this project, as you have done for some of the others. For us to understand the costs, we may need to have a discussion on the basis for these costs.

I discuss this question with Strand and provide this as soon as I can.

>When you talked to City Council last night, did any specific questions come up? Did you provide any info on what might be involved with Phase II?

FYI, Mr. Sturgill was absent last night. I did not address Council regarding the AOC. I did speak to them about other pressing issues not related to wastewater.

>Sudhir is working on our response to the public comments received. We will need to discuss some of those responses with you. Your cooperation in this will be greatly appreciated.

In a separate email, Sudhir said he would like to speak to me this afternoon about the comments. It would be helpful if you or he could forward the comments to me beforehand.

Thanks - Barbara

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell



Public Utilities Department

Division of Wastewater

To: Hon. David Malone, Mayor
Hon. Members of Portsmouth City Council

cc: City Solicitor, City Auditor

From: Richard Duncan, Director of Wastewater

Date: April 19, 2013

Re: UPDATE: US EPA/Administrative Order on Consent (AOC)

At the Public Meeting held at Shawnee State University on February 12, President Steve Sturgill requested additional information regarding the proposed Administrative Order on Consent (AOC).

The intent of this report is to provide information currently available.

FINANCING

In our discussions with US and Ohio EPA representatives in 2012, the City was encouraged to apply for project funding through Ohio EPA's Division of Environmental and Financial Assistance (DEFA). US and Ohio EPA representatives indicated that they would be advocates for us in acquiring funding which would include high percentages of "principal forgiveness," meaning that we would not have to repay a certain portion of project funding, perhaps 50% or more. The EPA representatives personally expressed that intention to the mayor and several Council members.

DEFA released its draft 2013 funding plan¹ on February 15, 2013. Unfortunately, the amount of funding available for principal forgiveness was extremely limited this year.

In 2012, DEFA awarded a total of about \$50 million in principle forgiveness statewide.

In 2013, only \$4 million in principle forgiveness funding was available. This is much less than was anticipated due to reduction in federal funding to the State of Ohio.

Loans with 50 to 100% principal forgiveness were awarded to only 4 Ohio communities, all of which were determined by DEFA to be "hardship" communities due to high sewer rates or other factors. (Portsmouth was not rated as a hardship community.)

¹ The final plan can be found at www.epa.ohio.gov/defa. Click on "Final 2013 Water Pollution Control Loan Fund Program Management Plan" under "What's New."

Portsmouth currently qualifies for standard interest rate loans through DEFA totaling (1) \$140,000 for engineering design, (2) \$1,250,000 for planning, and (3) \$3,150,000 for construction.

DEFA's standard interest rate as of April 2013 is 2.49%.

Funding is also available through the Ohio Water Development Authority (OWDA). OWDA's rate is somewhat higher. As of April 2013, Portsmouth's interest rate would be 2.8% for OWDA funds.

MAJOR PROJECTS IN THE AOC

With regard to the costs of the three projects referenced by Mr. Sturgill (25th and Coles Detention Basin, 2300 Block of Grandview Project, and Munn's Run Sewer Rehabilitation), please find the following descriptions.

1) 25th and Coles Blvd Detention Basin (APX Consulting Group)

Council recently approved the purchase of property owned by Phyllis Holsinger for \$30,000 at the intersection of Coles Boulevard ("Old Coles") and 25th Street. The Solicitor is preparing the deed so that the property can be acquired. The construction cost is anticipated to be \$200,000 to \$400,000.

Loren Purdom of APX Consulting Group, Wheelersburg, is doing preliminary work for the design. After the property is purchased a site survey will be completed and project design can begin in earnest.

This project is intended to detain stormwater from a significant drainage area and release it into the Lawson Run Sewer at a slower rate to reduce instances when the capacity of the Lawson Run Sewer is exceeded.

(DEFA approved funding for this project: \$25,000 for design, \$325,000 for construction.)

2) 2300 Block Grandview Storage/Sewer Lining (Strand Associates)

Strand Associates, Inc. developed a Facilities Plan as required by Ohio EPA Division of Environmental and Financial Assistance (DEFA) for potential funding of the project. The DEFA requirements include a summary of prior studies and reports, alternatives analysis, and environmental impacts.

The Facilities Plan includes four alternatives for addressing flooding and sewer separation issues in the Upper Grandview area of the Lawson Run drainage basin. (A copy of the Facilities Plan will be sent to Council members by email.)

- | | |
|--|-------------|
| • Alternative A: Install backflow preventers and construct below-ground storage: | \$2,352,000 |
| • Alternative B: Selective sewer Separation and below-ground storage: | \$3,040,500 |
| • Alternative C: Sewer separation and below-ground storage: | \$4,067,000 |
| • Alternative D: Sewer separation and above-ground storage: | \$2,795,000 |

The Facilities Plan recommends Alternative D, which would remove all sanitary sewer connections from the Lawson Run Sewer north of 23rd Street and install new sanitary sewers. This alternative would (1) redirect high sewerage flow around the 2300/2400 block of Grandview to eliminate basement flooding, (2) facilitate future sewer separation of the entire Lawson Run Sewer, and (3) allow for storage of stormwater (as opposed to mixed storm and sanitary sewage) in the storage basin planned for the 2300 block of Grandview Ave.

(DEFA approved funding for this project: \$100,000 for design, \$2,560,000 for construction.)

The Facilities Plan also recommends relining the 24-inch sewer in Redwood Alley (west of Grandview) between 23rd Street and Dorman Drive, as recommended in the 2012 sewer report by Environmental Engineering Service.

(DEFA approved funding for the Redwood Alley project: \$15,000 for design, \$265,000 for construction.)

3) North Moreland/Munn's Run Sewer Lining Project (Howerton Engineering)

This project, which is funded by a grant and 0% interest loan from the Ohio Public Works Commission (OPWC) is largely complete. However heavy rains in January-March caused the water table in the area to be very high and the project was delayed. A project status meeting was held with the contractor and Howerton Engineering on Friday April 19 and it was determined that work would recommence in May with final completion expected by September. A status report is attached. (Attachment 1.)

(Total cost: \$770,000.

Construction: OPWC Grant: \$400,000. OPWC Loan [0% interest].

Engineering: City funds \$120,000.)

Phase 2: North Moreland/Munn's Run Manhole lining.

The sewer lining project will be followed up with a *manhole* lining project later this year. We received a Community Development Block Grant (CDBG) for \$138,000 to perform this requirement. This project will be bid in May 2013. Construction is expected to be complete by the end of the year.

OTHER AOC COMPONENTS

- Lawson Run Sewer Separation Feasibility Study

The Administrative Order on Consent came out of the City's requirement to develop a Long Term Control Plan (LTCP) for the City's Combined Sewer Overflows (CSOs). Typically, in most LTCPs (including earlier versions of Portsmouth's LTCP), "planning level" estimates are used to evaluate the costs of separation of storm and sanitary sewers in a community. Planning level estimates quantify costs in terms of dollars per acre to determine if separation is practical and affordable. In Portsmouth's case, City-wide separation was determined to be unaffordable.

However, in our continuing discussions with US and Ohio EPA it was determined that separation of area tributary to the Lawson Run Sewer (that is, removing sanitary sewage from the Lawson Run Sewer and

conveying it in new sanitary-only sewers) may be feasible. The Lawson Run Sewer is the largest sewer in the City. If it can indeed be separated it is possible that the City could be in substantial compliance with all LTCP requirements for a reasonable cost.

The proposed feasibility study will evaluate the entire 10,000-ft length of the Lawson Run and all connections to it. The city is currently conducting a walk-through and inspection of the sewer. (The section from 20th Street to Dorman Drive was inspected and videoed by City personnel on Thursday, 4/18. The remainder of the sewer, 20th Street to Charles, will be inspected in the next one-to-two weeks, depending on weather and workload.) An important factor in this investigation is to quantify the construction projects the City can do in-house with City staff to minimize long term costs. It is anticipated that this investigation will cost approximately \$75,000. Construction costs will be developed from this investigation.

- Management, Operations, and Maintenance program (MOM)
- Emergency Overflow Response Plan (EORP)

US EPA requires that a MOM and an EORP be developed. We do not have the resources or personnel to do this in-house. The cost will be approximately \$25,000 for a consultant to prepare these documents. Among other things, the MOM will help to identify any shortfalls in City staffing or equipment and make recommendations to better operate and maintain the City's sewer system. The EORP will provide standard procedures for the City to follow in cases of emergency. Both the MOM and the EORP will significantly increase my department's record-keeping, reporting and regulatory requirements, which cannot likely be handled with existing staff.

- Cleaning and televising of sewers

The AOC calls for all sewers less than 18 inches in diameter to be cleaned and televised on at least a 5-year schedule. The purpose of this is to proactively eliminate potential sewer blockages and identify potential repairs before failures occur. Software for sewer mapping and evaluating and cataloguing the conditions of sewers is needed to effectively implement such a cleaning program, along with training of personnel.

Based on preliminary estimates, this effort could cost as much as \$250,000 annually, if contracted out. If the needed equipment is acquired and additional personnel are hired in the Sewer Division, this work could be performed in house.

Please let me know if any further information is required.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense

April 12, 2013

Attachment 1

Rick Duncan, P.E.
Director of Wastewater
City of Portsmouth
Waste Water Treatment
2040 Charles Street
Portsmouth, Ohio 45662

Re: The North Moreland Sanitary Sewer Rehabilitation Project

Dear Mr. Duncan:

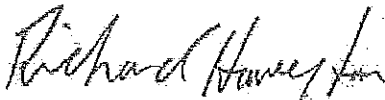
Below is a chart listing the quantities of the project completed and still to be completed.

Pipe Size	LINED	UNLINED	UNLINED/UNVIDEOED
8"	4,988.40'	714.40'	705.00'
10"	1,950.40'	683.20'	0'
12"	352.10'	0'	590.00'
24"	0'	0'	2,235.00'
TOTALS	7,290.90'	1,397.60'	3,530.00'

Layne Inliner is currently holding off for dry weather before returning to video, clean and line the remaining lines due to excessive ground water infiltration.

Please advise me of any questions or concerns.

Thank you:



Richard L. Howerton P.E., P.S., C.F.M.
richard.howerton@howertoneng.com



**National Society of
Professional Engineers®**
NSPE Licensed Member

Attachments: Project Progress Site Exhibit

January 17, 2013

The City of Portsmouth
North Moreland Sewer Rehab
Progress Meeting Agenda

NAME	AFFILIATION	PHONE/EMAIL
Richard L. Howerton	Howerton Engineering	740-354-3684
Phillip Hammond	Howerton Engineering	740-354-3684
Chad Lore	Howerton Engineering	740-354-3684
Richard Duncan	The City of Portsmouth	740-353-0241
John Murphy	Layne Inliner	614-529-6440
Kathy Jarrell	Layne Inliner	614-529-6440

I. Point Repairs

1. 1082-1083 – Point repairs complete
2. 1070-1069– Point repairs complete
3. 1054-1086– Point repairs complete
4. 1086-1055– Point repairs complete
5. 1088-1089 – Removed from scope of work due to a gas or waterline crossing into pipe.
6. 1091-1090– Point repairs complete
7. 1090-1030– Point repairs complete
8. 1092-1088– Point repairs complete
9. Need to repair 45 degree from 1042-1043 on Pleasant Avenue.
2. Surcharge of Groundwater in Lines – May have to come back in dry weather to complete.
3. Line 1085-1013 – Check these lines when the ground water goes down.
4. Pre-Lining Video & Cleaning Status – 1110 – 1028 Still to video.
5. Post-Lining Video Status – Reviewing to submit.
6. Project Sign – County already has a project sign up.
7. Additional Pipe Lining
8. City Comments – Line sections that are able to be lined and then return during dry weather to finish.
9. Contractor Comments – 14/15 lines are ready to be lined.

Draft for Owner Review

Professional

Engineering

Services

Facilities Plan

Report

City of

Portsmouth, OH

April 2013



SA
STRAND
ASSOCIATES[®]

Report for City of Portsmouth, Ohio

Facilities Plan

Prepared by:

STRAND ASSOCIATES, INC.®
4433 Professional Parkway
Groveport, OH 43125
www.strand.com

April 2013



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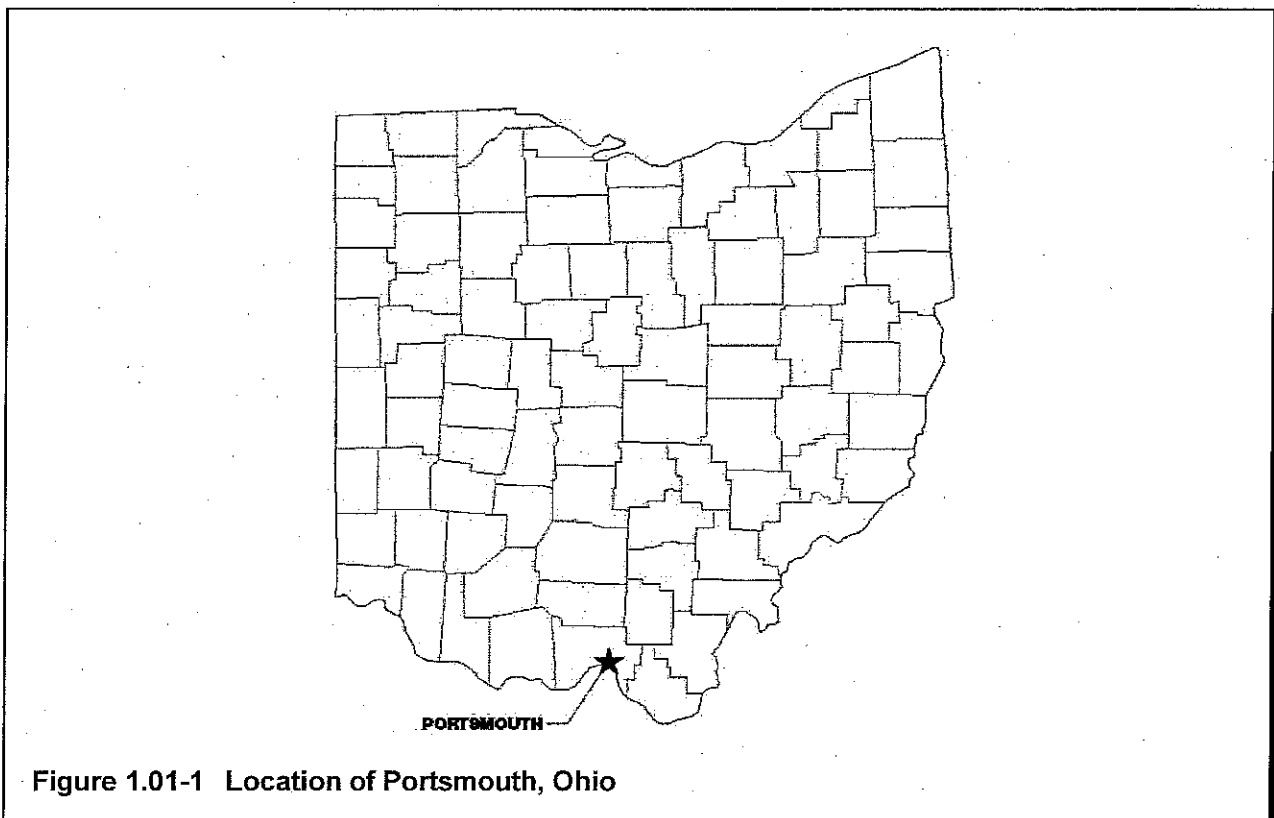
APPENDIX A—EXISTING DOCUMENTS AND REPORTS (provided on CD)
 APPENDIX B—FINANCIAL CAPABILITY ANALYSIS WORKSHEETS

The goal of this report is to define the City of Portsmouth (City) sewer systems, its combined sewer overflow (CSO) and sanitary sewer overflow (SSO) issues, the Administrative Order on Consent that will be entered into with the United States Environmental Protection Agency (USEPA), and recommendations to fulfill requirements of the Administrative Order while satisfying Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance criteria for funding.

This report will:

1. Describe the existing sewer system.
2. Summarize prior planning documents.
3. Discuss regulatory requirements of USEPA and OEPA.
4. Evaluate alternatives for addressing sewer problems in the Grandview Avenue area.
5. Evaluate potential environmental impacts.
6. Review existing sewer use rates and identify potential needed changes for upcoming projects.

1.01 AREA LOCATION



The City is located in Scioto County, Ohio, extending from mile point 348 to 356 on the Ohio River, with a total of 6,883 acres within corporation limits. The City surrounds the incorporated Village of New Boston. The principal watersheds are the Scioto and Ohio Rivers, Munn's Run through New Boston, and the Little Scioto River through Sciotoville. In predevelopment years, the northcentral area of the City drained to an open stream known as Lawson Run, which ran south to the Ohio River. As development progressed, this water course was replaced by the Lawson Run Sewer, filled, and paved over. The Lawson Run wastewater treatment plant (WWTP) is located at what was once the mouth of Lawson Run. Though this was once a rapidly growing city supporting over 50,000 residents, there has been substantial attrition in population since the City's population peak in the middle of the last century. The City has experienced virtually no change in population since the 1990 census, with a population of 20,226 reported at the 2010 census.

1.02 SYSTEM OVERVIEW

The City operates two WWTPs, which include the Lawson Run WWTP (LRWWTP) and the Sciotoville WWTP (SWWTP). The City also operates and maintains the wastewater pump stations, flood defense pump stations, and separate and combined collection systems.

The LRWWTP provides service to City residences, businesses, industries, and public institutions within the City as well as the unincorporated and predominantly residential Rosemount area to the north. A large portion of the collection system that flows to the LRWWTP is from combined sewers.

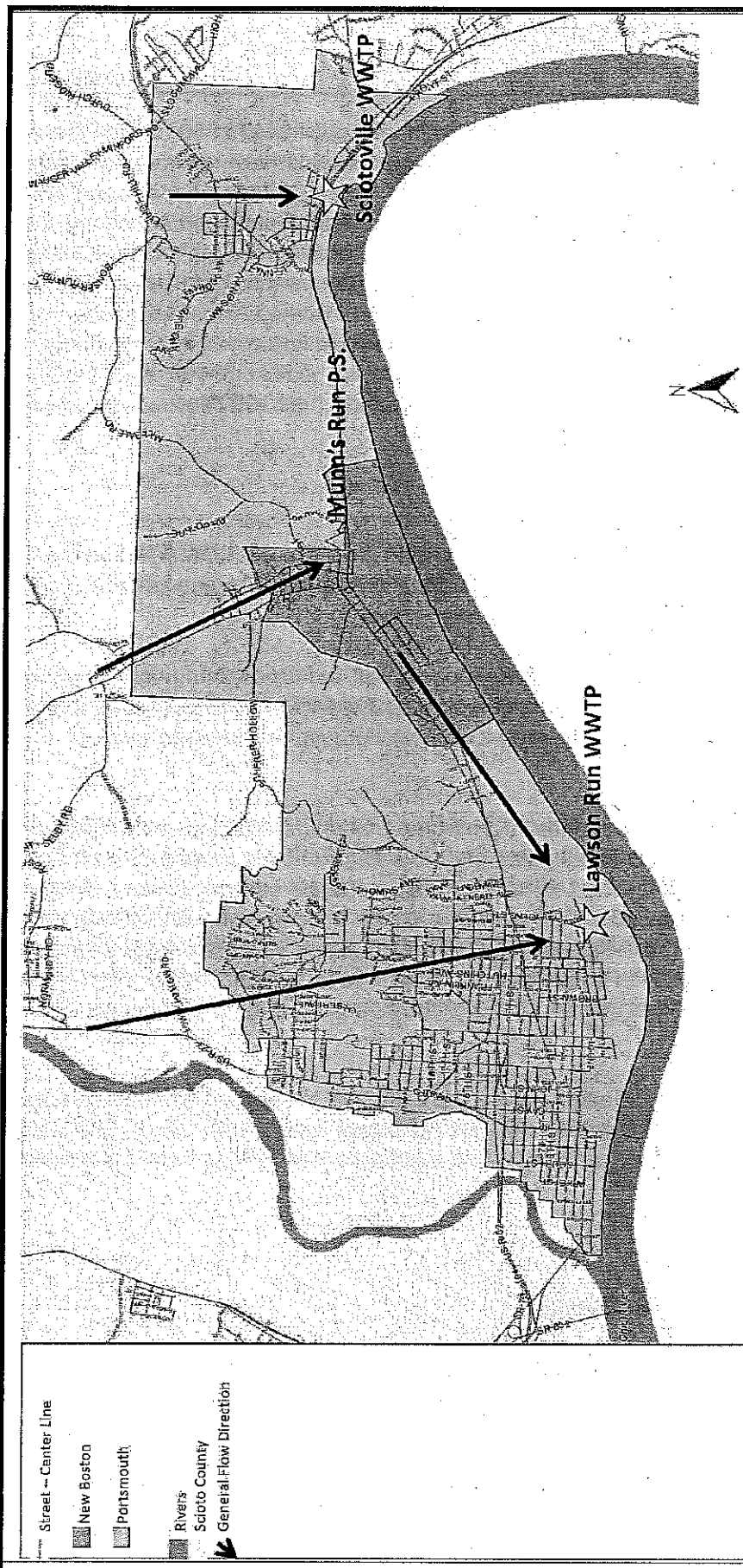
The LRWWTP also receives flows from Munn's Run Pump Station (MRPS) located within the Village of New Boston. This pump station receives flows from the Village of New Boston as well as the North Moreland area. All flows received by the MRPS are from a separate sanitary sewer collection system. The unincorporated area of Eden Park to the north is planned to be served with sanitary sewer by the City by the end of 2013. Eden Park will also flow to the MRPS. From the MRPS force main, its separate sewer flows merge with the combined sewer system of the Village of New Boston. All of New Boston's combined flows that are not diverted to the Ohio River are pumped from the New Boston Pump Station (NBPS) to Portsmouth's system.

The SWWTP serves an isolated drainage basin on the east side of the City. The service area consists of residential and commercial institutions and one industrial user (KSA, Inc.). The service area population is approximately 4,150. The flows to the Sciotoville WWTP are from a separate sanitary sewer collection system.

1.03 ABBREVIATIONS

AOC	Administrative Order on Consent
City	City of Portsmouth
CSO	combined sewer overflow
CSR	combined sewer release
EES	Environmental Engineering Service
LRWWTP	Lawson Run WWTP
LTCP	long-term control plan

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GENERAL SEWER FLOW DIAGRAM FACILITIES PLAN

CITY OF PORTSMOUTH
PORTSMOUTH, OH



FIGURE 1.02-1
JOB NO. 3501.022

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mgd	million gallons per day
mil gal	million gallons
MOM	Management, Operation, and Maintenance Program
MRPS	Munn's Run Pump Station
NPDES	National Pollutant Discharge Elimination System
O&M	operation and maintenance
OEPA	Ohio Environmental Protection Agency
OERP	Overflow Emergency Response Plan
SSO	sanitary sewer overflow
Strand	Strand Associates, Inc.®
SWMM™	Stormwater Management Model™
SWWTP	Sciotoville WWTP
USEPA	United States Environmental Protection Agency
WIB	water in building
WPCLF	Water Pollution Control Loan Fund
WWTP	wastewater treatment plant

Draft for Owner Review

SECTION 2
EXISTING SEWER SYSTEM

2.01 SYSTEM DESCRIPTION

A. Portsmouth Greater Lawson Run Combined System

The City has ten permitted CSOs, of which five discharge to the Ohio River and five discharge to the Scioto River. Six of the CSOs are directly linked and inseparable from flood defense stations. The CSO locations are shown in Figure 2.01-1.

The City's wastewater conveyance and flood defense systems are directly related utility functions. The City is protected against flooding from the Ohio and Scioto rivers by a levee that incorporates flood gates and large pumping stations. Each of the six flood defense stations except for the one at Lawson Run consists of three chambers and an outlet gate structure. The first chamber is an overflow structure from the combined sewer into the station wet wells. At low river stages, CSOs pass through the first chamber and outlet gate structure to either the Scioto or Ohio river. At the high-river stage, the outlet gate is closed to prevent backwater flooding, and the CSO overflows into the sewage pump chamber. The sewage pump then operates to lift the CSO over the levee or flood wall. If the sewage pump cannot keep up with the flow of the combined sewage, motor-operated sluice gates open into the flood pump chamber, the sewage pump is stopped, and the flood pumps operate to maintain the wet well water surface elevation within specific limits. As the river returns to below the specified level, the outlet gates open and the flood pumps cease to operate. The Lawson Run flood defense station does not have a sewage chamber. The sewage pumps operate as first-phase storm pumps to prevent using the large storm pumps.

The combined sewer collection system that flows to the LRWWTP is frequently overloaded during wet weather events resulting in a high occurrence of CSOs. According to the existing Stormwater Management Model™ (SWMM™) model developed by Burgess and Niple, Inc., the annual overflow volume in the typical year for the entire system is estimated to be 323 million gallon (mil gal), with 54 percent of this coming from Lawson Run CSO.

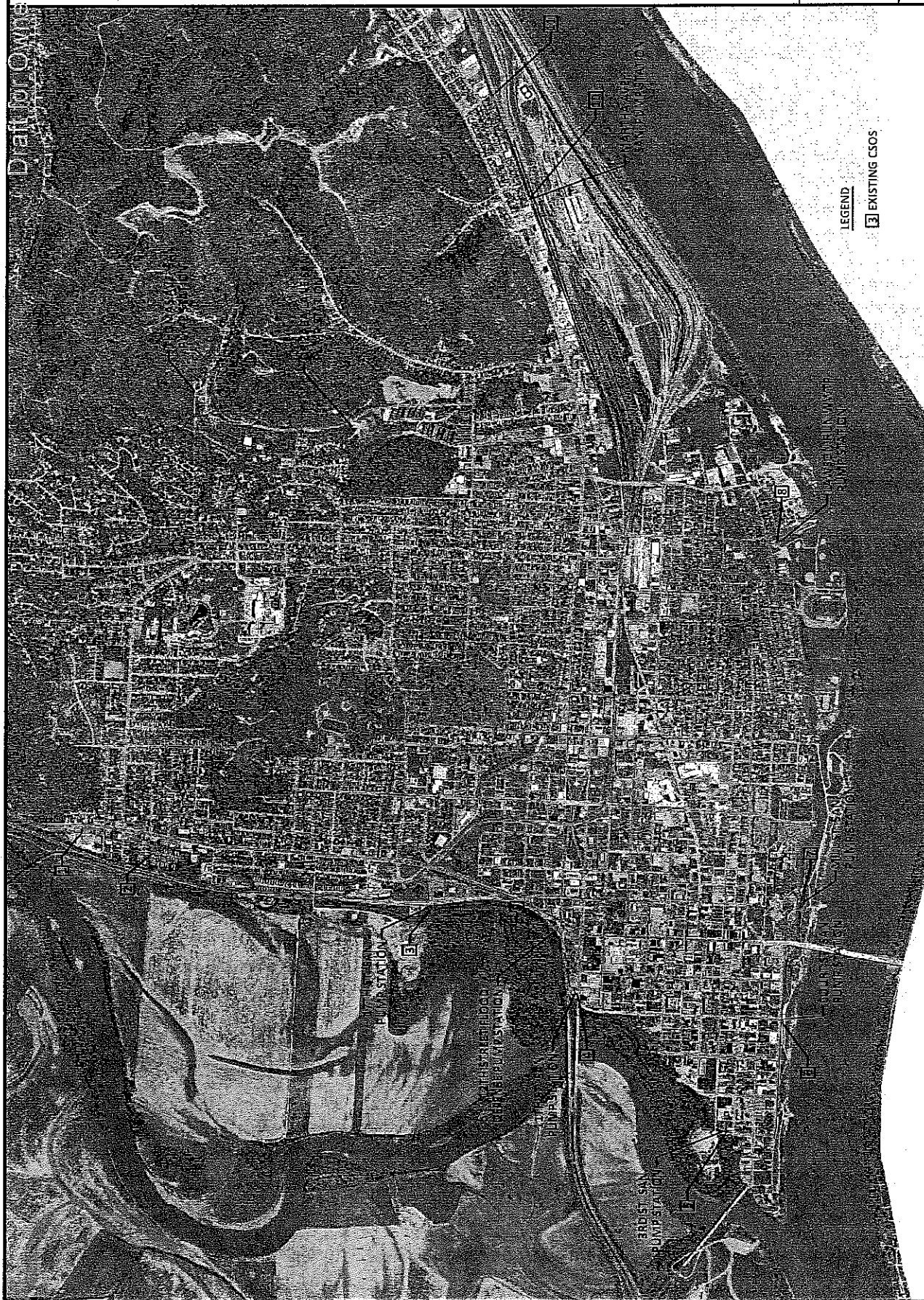
B. Sciotoville Separate System

The Sciotoville collection system is a separate sanitary sewer system serving the isolated drainage basin near the eastern part of the City limits that flows to the SWWTP. This part of the collection system includes approximately 50,000 linear feet of sanitary sewers. Three pump stations exist within the Sciotoville collection system including the Kiff Street Pump Station, the Stewart and Division Street Pump Station, and the Harding Avenue Pump Station. Additionally, the SWWTP includes an influent pump station that receives flows from a common sanitary sewer main. Raw wastewater is lifted by the influent pump station and flows by gravity through the WWTP and from the WWTP to the Ohio River discharge location.

CSO AND PUMP STATION LOCATIONS



FIGURE 2.01-1



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SECTION 3
SUMMARY OF EXISTING DOCUMENTS AND REPORTS

3.01 INTRODUCTION

This section reviews past reports relevant to the separate and combined sewer systems and treatment plants. Appendix A includes a CD with full electronic PDF format files of the documents referenced below.

3.02 SANITARY WASTE TREATMENT PLANT, 1947, VOGT, IVERS, SEAMAN & ASSOCIATES

This report established most of the fundamentals of the system as it exists today. The report analyzed the alternatives of constructing one plant at Lawson Run or constructing two plants—one at Lawson Run and one at the flats of the Scioto River confluence with the Ohio River. The recommendation was to build a primary treatment plant at Lawson Run to serve the entire area west of the New Boston corporation line. The treatment plant capacity was based on serving a population of 41,000 people for a total capacity of 4.1 million gallons per day (mgd). The flood control pump stations were additionally used as lift stations at the principal outfalls of the sanitary sewer collection system.

3.03 REPORT ON STORM WATER SEWERS, FEBRUARY 1957, GREELEY AND HANSEN, ENGINEERS

In July of 1956, the City experienced a 10-year rain event where 2.5 inches of rain fell in the area in about 40 minutes, and flooding occurred in 12 areas throughout the City. Recommendations for improvements were analyzed in this report. A hydraulic profile of the Lawson Run Sewer was presented in this report, and a maximum discharge rate of 1 billion gallons per day was found for a 3-year storm event.

3.04 ENGINEERING SURVEY, OCTOBER 1962, PORTSMOUTH CHAPTER OF OHIO SOCIETY OF PROFESSIONAL ENGINEERS

The focus of this report was "to assist the City Administration in finding a satisfactory solution to the problem facing the City in regards to odors arising from the City Sewage System and the Sewage Disposal Plant, along with other related problems." The brief report placed emphasis on timely maintenance, particularly as it relates to street and catch basin cleaning. City Council took action on this recommendation before the finalization of this report.

3.05 DESIGN REPORT FOR SECONDARY WASTEWATER TREATMENT AT LAWSON RUN PLANT, ALDEN E. STILSON & ASSOCIATES, LIMITED, 1970

This report was the first major design report for the LRWWTP since 1947. It provided criteria for increasing the level of treatment from primary to secondary. The average daily treatment capacity remained unchanged at 4.0 mgd, and the hydraulic capacity was established as 10.0 mgd.

3.06 THE PORTSMOUTH WATER AND SEWER STUDY, 1973, BARRETT, CARGO, WITHERS & ASSOCIATES, LTD.

The purpose of this report was "to evaluate the adequacy of the water, sanitary, and storm water utilities to meet existing and anticipated needs, and secondly, to recommend a plan and program of action that

will enable these needs to be met." This report found a decline of almost 10,000 in population between 1950 and 1970, and projected further decline in population through 2010. In the report, consideration was given to establishing regional sewerage facilities, but no economic benefits would result from such facilities. The New Boston WWTP was converted to a pumping station, and the sewage is treated at the LRWWTP.

The report also recognizes the problem of combined sewer overflows. Suggestions to correct the problem include:

1. Separation of storm and sanitary flows.
2. Treatment of overflows at points of discharge.
3. Detention of flows for later treatment.
4. Retention of stormwater runoff near point of origin.
5. Some combination of these solutions.

3.07 SEWER SEPARATION REPORT, INITIAL PHASE INVESTIGATIONS, 1975, ALDEN E. STILSON AND ASSOCIATES

This report is the first to address the combined sewer system in detail. The report was an element of an application for improvements to the LRWWTP to remedy the problem of raw sewage overflows. City Council enacted Ordinance No. 57 on June 27, 1972, which "provides for a solution to the overflow problem at the plant and implementation of the same as rapidly as possible. It further provides for a sewer separation study of all the combined sewers in the City of Portsmouth." The report serves as the initial investigation phase of the sewer separation study. The report concludes that a method of eliminating all overflows and bypasses is by sewer separation and pumping station modifications, which requires a continuing investigation. The estimated construction cost of sewer separation was \$7,500,000 at the time. The report provides a general inventory of the total length of combined sewer and its range in size throughout the area served by LRWWTP, but it does not detail the inventory by size or subdistrict of the system.

3.08 COMBINED SEWER SYSTEM OPERATION PLAN FOR THE LAWSON RUN WASTEWATER TREATMENT PLANT, JANUARY 1989, URS CONSULTANTS

This plan was required by the City's previous National Pollutant Discharge Elimination System (NPDES) permit to ensure that the system is operated so as to maximize removal of pollutants, that the collection system storage capacity is fully used during wet weather, and that the greatest quantity of wet weather flows receives maximum possible treatment. This report documents the operating and maintenance procedures. The plan does not include any analysis or suggestions for the collection or wastewater treatment issues. However, the plan does present pumping station details to great extent.

3.09 COMBINED SEWER OVERFLOW STUDY, 17TH STREET PUMP STATION, OCTOBER 1995, JONES & HENRY ENGINEERS, INC.

This study focused primarily on the 17th Street Pump Station, but it outlined principles and practices applicable to the "entire Portsmouth Combined Sewers Overflow Study." In particular, this report addressed a requirement of the USEPA's Nine Minimum Controls to eliminate CSOs during dry

weather. The pump station has dry weather bypassing during high river stages. The fundamental recommendation of this report was to permanently close the flood gate and rely on water surface elevations in the wet well to control the pumps, but this solution was determined to be unworkable.

3.10 COMBINED SEWER SYSTEM LONG TERM CONTROL PLAN, SEPTEMBER 2006, W.E. STILSON CONSULTING GROUP

The City embarked on a feasibility study to replace and/or upgrade the LRWWTP in 2003. A new NPDES Permit to become effective in March of 2004 was to be issued to the City, and the new permit would require the preparation of a combined sewer LTCP before the OEPA would approve significant plant improvements.

For the development of the LTCP, field data was secured including: locating and determining elevations of over 100 manhole tops and inverts and sewer sizes, installing and monitoring 15 flow meters and sampling devices, an aquatic survey of the Ohio and Scioto Rivers, and the development of a computer sewer system model. The accumulated field data and computer analysis of storm and CSO events was integrated into an analysis of alternative control strategies. The report details the solutions necessary to meet OEPA's requirements and the costs associated with each alternative as they compare to the City's financial capability.

The report prioritized projects in different areas of the City. The highest priority recognized in the report was for the expansion of the LRWWTP to 20 MGD in primary treatment capacity, for which the City committed to. This primary improvement serves as the keystone to remaining improvements since it provides the capacity required to receive and treat stored flows from the other areas as they are implemented.

3.11 COMBINED SEWER SYSTEM LONG TERM CONTROL PLAN (REVISION), JULY 2009, STRAND ASSOCIATES, INC.®

This report serves as an update to the Synthesis of Alternatives and Financial Capability sections of the LTCP prepared by W. E. Stilson Consulting Group in 2006. The updates were based on the previous additional alternatives evaluations and opinion of probable cost updates were performed for the City by Strand Associates, Inc.® (Strand). The updated Synthesis of Alternatives focused on the Grandview Avenue area basement flooding issue, along with a proposed capital improvement plan and schedule to be developed and submitted to the OEPA and USEPA. The Financial Capability Assessment placed emphasis on the City's need for financing for future projects. Different avenues of obtaining grants were highlighted, including OEPA state revolving fund borrowing, Ohio Water Development Authority, congressional grants, USEPA Wet Weather Infrastructure Grants, and locally sold revenue bonds. Without substantial grants, implementation of all or a major program to dramatically reduce CSOs would not be economically feasible.

Based on a review of the updated alternatives and financial capability assessment, Strand provided an updated list of prioritized projects to address basement backups, SSOs, daily wastewater treatment options, and CSOs. The main priority of all the alternatives was to address the basement backups in the Grandview Avenue area and the relatively frequent SSO located at the MRPS. A recommended implementation approach included at the end of this report laid out the following plan for the City:

1. Implement "Early Action Projects" (Munn's Run CSO, upgrade 24/7 items at WWTP, and Grandview backflow preventer program), over a 3-year period.
2. Actively, and on an ongoing basis, seek grant support for identified system improvement needs.
3. Initiate rate increases to increase sewer service revenues over time.
4. Within funds available, implement Improvements to the headworks and addition of primary clarifiers at LRWWTP.
5. Maintain a schedule of activity to implement additional capital projects, subject to availability of funding and grants, and subject to funds available with increased rates.
6. Work with the OEPA to obtain variances from existing water body designated uses and standards, recognizing that uses cannot be supported until the CSO control program is fully implemented, and adequate controls for other sources (bacteria) in area watersheds are also provided.

3.12 RESPONSE TO USEPA REQUEST FOR INFORMATION PURSUANT TO THE SECTION 308 OF THE CLEAN WATER ACT, OCTOBER 2010, ENVIRONMENTAL ENGINEERING SERVICE (EES)

This report provided a response to the USEPA's Section 308 Request for Information in which a revised LTCP was requested from the City. The report identified projects broken up into seven areas throughout the treatment area that would result in a projected 90.6 percent annual reduction in CSO occurrences through the separation of sewers and/or storage implementation. This plan committed the City to spending approximately \$70 million in 13 years. Following this report's submission, the plan was approved by USEPA. At the City's request, USEPA did further review of the document and its affordability. USEPA concurred that the plan, although it addressed CSO issues, was unaffordable to the City and did not address the City's most critical issues. USEPA then moved to delay any further formal LTCP work and enter into negotiations of an AOC with the City.

3.13 SANITARY SEWER SYSTEM STUDY GRANDVIEW AREA, 2012, EES

EES performed a sewer system study for the City on the Grandview area sanitary sewer system. EES used smoke testing, videotaping and flow monitoring. Based on the results of this study, EES recommended downspout disconnection of houses upstream of the area and relining of all vitrified clay pipe and brick manholes.

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Following review of the 2010 EES LTCP submission, and understanding that the plan was neither affordable, nor did it address the most critical public health issues, USEPA and OEPA agreed to put the LTCP on hold for the foreseeable future and open negotiations with the City to enter into an Administrative Order. The Administrative Order on Consent (AOC) is focused on addressing the most critical public health and environmental issues within an affordable budget; these issues primarily include:

1. Proactive approach to system operation, maintenance, management, and reporting.
2. Elimination of SSOs.
3. Elimination of water in building (WIB) issues caused by sewer backups.
4. Reduction of local overland flooding.

4.01 SYSTEM OPERATION, MAINTENANCE, MANAGEMENT, AND REPORTING

The philosophy of the first part of the AOC is to promote a proactive approach to system operation and maintenance, rather than a reactive approach. The requirements of this part of the AOC include the following elements:

1. Submit bimonthly reports on the progress of completion/response to requirements of the AOC.
2. Submit annual reports on the status of AOC requirements.
3. Submit an Overflow Emergency Response Plan (OERP).
4. Prepare a Sewer System Management, Operation, and Maintenance Program (MOM).
5. Clean and televise all sanitary and combined sewers less than 18-inch diameter.

4.02 SSO ELIMINATION ACTIONS WITHIN THE AOC

Table 4.02-1 shows the required actions directed at eliminating SSOs at the MRPS.

Activity	Deadline	Status
Execute Construction Contract for North Moreland Sewer Lining Project.	October 15, 2012	Completed
Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to USEPA and OEPA.	May 1, 2013	On schedule
Complete Construction of North Moreland Sewer Lining Project.	July 15, 2013	On schedule
Complete Construction of North Moreland Manhole Rehabilitation Project.	December 31, 2013	On schedule

Table 4.02-1 Required Actions for Eliminating SSOs at the MRPS

Upon full construction of the Munn's Run SSO projects, the City must conduct one year of monitoring the Munn's Run Pumping Station. If SSOs have continued to occur, City must comply with the following schedule to eliminate the remaining SSOs (see Table 4.02-2).

Activity	Date
Submit Proposed amended schedule to USEPA that incorporates additional proposed steps/projects to eliminate the remaining SSOs.	No later than 60 days after conclusion of the monitoring period
Begin implementation of the Amended Schedule to eliminate the remaining SSOs.	No later than 60 days after USEPA's written approval of the Amended Schedule

Table 4.02-2 Schedule to Eliminate the Remaining SSOs

4.03 WIB ELIMINATION AND LOCAL FLOODING REDUCTION REQUIREMENTS IN THE AOC

In order to be in compliance with the AOC, the City must comply with the following schedule to eliminate WIB and reduce local flooding.

Grandview Avenue Area-Upper Lawson Run Projects are shown in Table 4.03-1.

TABLE 4.03-1

GRANDVIEW AVENUE AREA-UPPER LAWSON RUN PROJECTS

ACTIVITY	
Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project.	
Downspout Disconnection Program	
Action	Date
Issue letters to 42 private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary sewer system.	January 1, 2012 (Completed)
Complete verification of downspout disconnection status of 47 downspouts.	April 1, 2013
Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.	June 1, 2013
Provide written completion report to USEPA and the OEPA within 30 days of completion of the project.	TBD
25th and Coles Street Retention Basin Project	
Action	Date
Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project.	April 1, 2013
Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to USEPA and OEPA	June 1, 2013
Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to USEPA and OEPA	October 1, 2013
Complete construction of 25th and Coles Street Retention Basin Project	October 1, 2014
2300 Block of Grandview Project	
Action	Date
Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to USEPA and OEPA.	December 31, 2012 (Completed)
Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to USEPA and OEPA.	June 1, 2013
Submit application for Permit to Install to OEPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to USEPA.	October 1, 2013
Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to USEPA and OEPA.	October 1, 2013
Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to USEPA and OEPA.	December 1, 2013
Complete construction of 2300 Block of Grandview Avenue Storage Project.	March 31, 2015
ACTIVITY	
Upon completion of demonstration period, perform postconstruction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects in reducing overflows. Performance shall be evaluated during a demonstration period of two years, and will include.	
<ol style="list-style-type: none"> 1. Analysis of overflow data generated through implementation of the approved OERP; 2. Measurement of the effectiveness at eliminating releases during severe storm events. 3. Demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. 	
The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.	

TABLE 4.03-2

LAWSON RUN SEWER PROJECTS

Activity	Date
Conduct visual inspection of Lawson Run Sewer.	April 1, 2013
Execute engineering agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to USEPA and OEPA.	June 1, 2013
Advertise for bids for CCTV assessment of large diameter and tunnel sewers and submit a copy of such advertisement to USEPA and OEPA.	August 1, 2013
Complete CCTV of Lawson Run Connections.	December 31, 2013
Submit Part I of Feasibility Report to USEPA and OEPA—Condition assessment of Lawson Run and existing connections, and proposed approach to separation.	February 28, 2014
Submit Part II of Feasibility Report to USEPA and OEPA—Cost of traditional gravity separation projects and alternative separation approaches.	May 31, 2014
Submit Part III of Feasibility Report to USEPA and OEPA—Recommended approach to potential Lawson Run projects including necessary headworks/influent modifications.	August 31, 2014
Address USEPA comments and submit Final Feasibility Report.	Within 30 days of receipt of USEPA comments

The two primary issues that affect the Grandview Avenue area are water in buildings and combined sewer releases (CSRs). In extreme rain events, the area also experiences overland flooding. Various alternatives were investigated to address the issues in the area, including belowground storage, sewer separation, and backflow preventers. It has been proposed that a detention pond be constructed at the corner of 25th and Coles Streets to help address the issue of overland flooding. Alternatives using options that complement each other have been developed and described in the following.

5.01 DISCUSSION OF MODEL

Alternatives were evaluated using the 2006 model utilized in the development of the 2009 LTCP. A summary of the model is included in the 2009 LTCP as well as the complete model report. The 2006 model was used for this evaluation to be consistent across the various studies and reports that have been completed in the past ten years.

As discussed in the 2009 LTCP, the model of the collection system focuses on the system interceptors, regulators, and diversion structures. It is a "skeletonized" model that only simulates large diameter pipes and the overflows associated with them. It is a systemwide model meant to recreate responses to large-scale changes and "typical year" rainfall simulations. It is not intended to provide hydrodynamic modeling of every pipe in the system. Collector sewers are not included in the model as individual pipes but rather as a single node consisting of an aggregation of their total input to the system. For example, the entire Grandview Avenue area in the City is one of those nodes leading into the 7-foot-diameter tunnel sewer.

Because the model was created to model "typical year" rain events, it was sized and calibrated using smaller events, with the largest of the storms being one- to two-year storm events. These events represent the upper end of the model's ability to simulate details in the wastewater system's dynamics. In essence, a larger measure of uncertainty is associated with the results from the model when using larger rain events.

For the purposes of this evaluation, which examined overland flooding and/or water in building issues, several large storm events were modeled that have been known to cause these problems. The model provided results for the flow in the tunnel sewer which could then be extrapolated manually to determine the effects on the collector sewers feeding the tunnel. Using this information, the various alternatives can be evaluated for effectiveness. This approach recognizes the limitations of the model while providing a reasonable foundation for evaluation.

5.02 OVERLAND FLOODING

Overland flooding in the area is very rare, having only occurred twice in the past 20 years. To help mitigate the issue of overland flooding in the area, a detention pond is proposed to be constructed near the southwest corner of 25th and Coles Streets. The pond will hold slightly less than 900,000 gallons at the maximum storage level. In dry weather conditions, the pond should be dry. This pond will capture runoff before it enters the Lawson Run sewer where an open stream directly connects to the sewer. The pond will help to lessen the impact during periods of rain by collecting runoff and releasing it at a controlled rate, thereby helping to curb the frequency of CSR occurrences downstream. The pond will capture runoff from approximately 10 percent of the watershed upstream of the 2300 block of

Grandview Avenue, thus reducing the effects of overland flooding in the future. The cost developed by APX, Inc. for the project is \$202,666.

5.03 CSRs AND WATER IN BUILDINGS (WIBs)

Several belowground storage options were evaluated to lessen CSR occurrences. Below ground storage helps to capture excess flows that might otherwise cause an overflow. The belowground storage options considered include concrete tanks and premanufactured pipe or vault systems. The primary location investigated for the potential storage is at the properties of 2311 Grandview Avenue and 2315 Grandview Avenue, which are adjacent lots with the lowest basement elevations along the 2300 block of Grandview Avenue. The Lawson Run sewer runs along the back of these lots. Flow could be diverted from the tunnel at this location and rerouted to exit the storage area at the front of these lots at a controlled rate. A storage release pipe would be constructed along Grandview Avenue between the storage area and the manhole at the center of the 23rd Street and Grandview Avenue intersection.

A range of potential solutions were considered to address WIBs.

WIBs can be addressed through the use of backflow preventers and/or sewer separation, and supplemental actions. After analyzing various options of underground storage, backflow preventers, and sewer separation, the alternatives listed below can address both the CSR and water in building issues. To further improve system operation and maintenance (O&M) and sewer conditions in the area, one of the following alternatives should be implemented with the recommended sewer lining and downspout disconnections of the 2012 EES report. Installation of a check valve in the sanitary sewer behind the 2300 block of Grandview Avenue, without upstream I/I removal or some type of separation, would likely still allow WIBs.

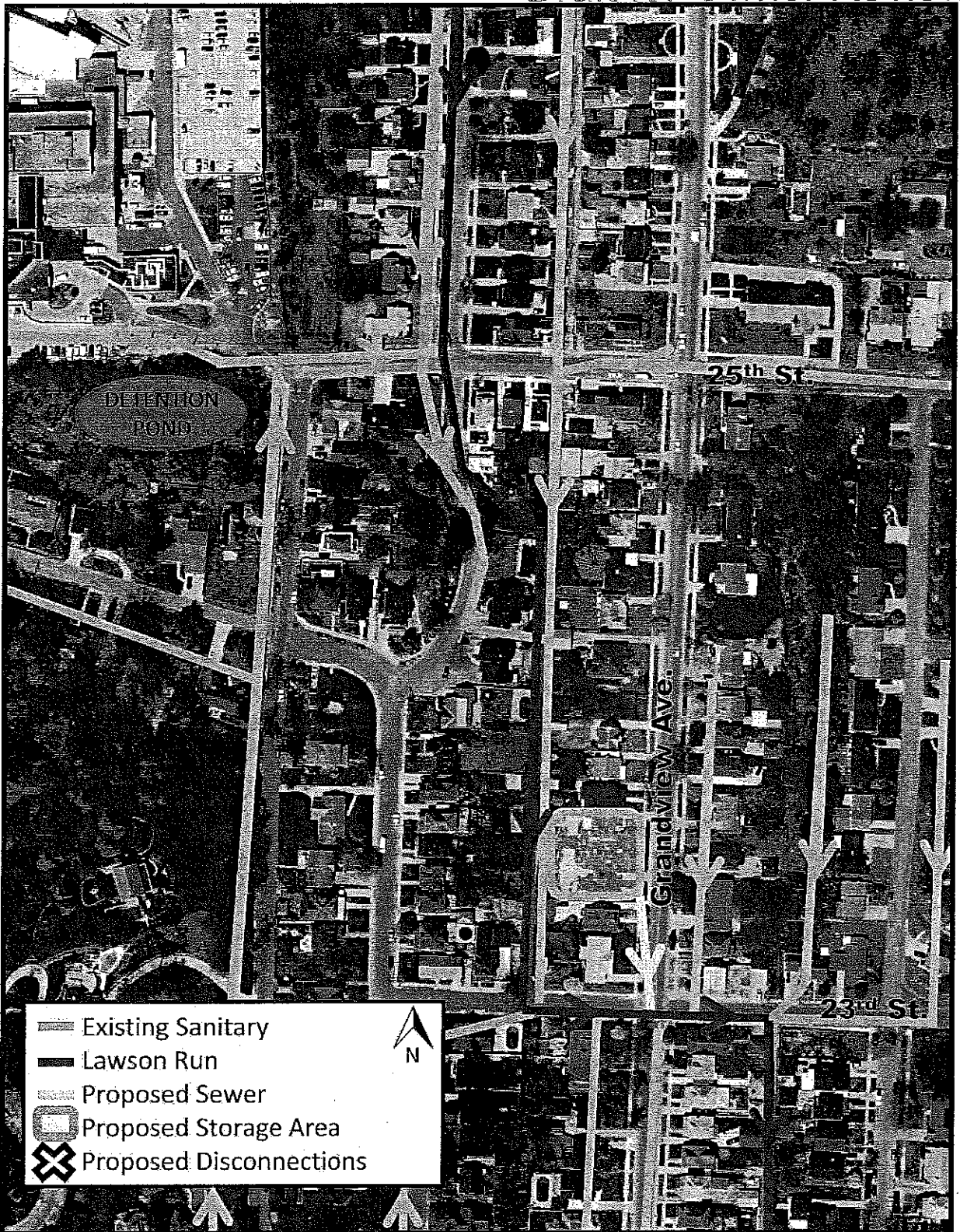
A. Backflow Preventers and Combined Flow Storage

Backflow preventers are a simple solution to the water in building problem. They can be installed in the service line of every house. They conservatively cost less than \$10,000 each, including all materials and installation costs. The disadvantage of this assembly is that the water that would come up in basements is not eliminated. Rather, it would come up on the streets and contribute to overland flooding. The backflow preventers combined with an underground storage system may help prevent CSRs and flooding for a moderate price.

An 80-foot-diameter prestressed concrete tank with a side water depth of 13.25 feet provides a capacity of 500,000 gallons. A watertight tank of this nature is capable of storing combined flows. The cylindrical shape of the tank does not take full advantage of the available storage area. The tank would drain by gravity through the connecting pipe to Lawson Run sewer.

Another combined flow storage option is a watertight precast concrete vault system. This system would consist of four runs of 24-foot by 10-foot arches, which optimizes the available space for water storage and provides a total capacity of 849,000 gallons, the greatest storage capacity of any storage system analyzed. Alternative A is shown in Figure 5.03-1.

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**ALTERNATIVE A
BACKFLOW PREVENTERS & COMBINED FLOW STORAGE
FACILITIES PLAN**

**CITY OF PORTSMOUTH
PORTSMOUTH, OH**



FIGURE 5.03-1

JOB NO. 3501.022

B. Selective Sewer Separation and Combined Flow Storage

Focusing specifically on the Grandview Avenue area, an alternative consisting of local sewer separation and underground storage was developed. By disconnecting and rerouting the sanitary line servicing homes upstream of 25th Street, the houses between the tunnel sewer and Grandview Avenue, from 25th Street to 23rd Street, would be served by a dedicated sanitary line, the same line that is in place now. The proposed reroute of upstream sanitary flows would run along 25th Street and Grandview Avenue. This line would catch all sanitary flow upstream of 25th Street. The existing line that runs parallel to Lawson Run would be left in place; however, it would only service the houses that are directly adjacent to it. A check valve backflow prevention device could be then added to the existing sanitary line serving the west side of the 2300 block of Grandview Avenue.

Underground storage would still be used to lessen the frequency of CSRs in this block. The combined flow underground storage options detailed previously are all applicable to this alternative. This alternative is shown in Figure 5.03-2.

C. Sewer Separation and Belowground Stormwater Storage

Separation of all sanitary sources into Lawson Run upstream of the affected area would essentially eliminate the occurrence of CSRs in the immediate area. However, overland flooding could still be an issue during extreme rain events like those that caused flooding in the past. Separation could be paired with one of the previously described storage alternatives, an aboveground detention basin, or a combination aboveground/belowground storage alternative. Separation of the system north of 23rd Street is possible, as shown in Figure 5.03-3.

Sewer separation upstream of the 23rd Street and Grandview Avenue manhole would require additional lines to be installed. Some current lines would need reconstruction or lining, and new manholes would be necessary. This solution should prevent future CSR occurrences in the immediate area. Furthermore, this solution is beneficial for future separation of the entire system.

Much like the combined storage systems previously discussed, a stormwater storage system could be a vault system or tank such as those described for combined sewer flow. However, the storage system would not have to be watertight or belowground for stormwater, which makes the construction cost less than combined storage systems. Stormwater storage systems are advantageous to combined systems because they allow for infiltration into the soil, which lessens the burden on LRWWTP, and are generally less costly to construct.

Alternative C includes sewer separation north of 23rd Street and Grandview Avenue and a belowground vault storage system. The option is detailed in Table 5.03-3.

D. Sewer Separation and Aboveground Stormwater Storage

Alternative D includes sewer separation upstream of 23rd Street and Grandview Avenue and an aboveground detention pond. The pond provides a cheaper alternative for stormwater storage compared to the belowground vault system. This alternative is detailed in Table 5.03-4.

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ALTERNATIVE B
SELECTIVE SEPARATION & COMBINED FLOW STORAGE
FACILITIES PLAN

CITY OF PORTSMOUTH
PORTSMOUTH, OH



FIGURE 5.03-2

JOB NO. 3501.022

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**ALTERNATIVES C AND D
SEWER SEPARATION AND STORMWATER STORAGE
FACILITIES PLAN**

**CITY OF PORTSMOUTH
PORTSMOUTH, OH**



FIGURE 5.03-3

JOB NO. 3501.022

E. Summary of Alternatives

Tables 5.03-1, 5.03-2, 5.03-3, and 5.03-4 summarize the alternatives.

Alternative A				
Item	Quantity	Unit	Unit Price	
Backflow Preventers	14	Each	\$ 10,000	\$ 140,000
Vault Storage System	849,000	Gal	\$ 1.77	\$ 1,500,000
Subtotal				\$ 1,640,000
Contingency and Technical Services				\$ 712,000
TOTAL				\$ 2,352,000

Table 5.03-1 Alternative A—Backflow Preventers and Combined Flow Storage

Alternative B				
Item	Quantity	Unit	Unit Price	
24-Inch Pipe in Street	1,100	Ft	\$ 450	\$ 495,000
24-Inch Pipe out of Street	400	Ft	\$ 250	\$ 100,000
Vault Storage System	849,000	Gal	\$ 1.77	\$ 1,500,000
Manhole	3	Each	\$ 4,500.00	\$ 13,500
Subtotal				\$ 2,108,500
Contingency and Technical Services				\$ 932,000
TOTAL				\$ 3,040,500

Table 5.03-2 Alternative B—Selective Sewer Separation and Combined Flow Storage

Alternative C				
Item	Quantity	Unit	Unit Price	
24-Inch Pipe in Street	2,200	Ft	\$ 450	\$ 990,000
24-Inch Pipe out of Street	400	Ft	\$ 250	\$ 100,000
18-Inch Replacement	1,550	Ft	\$ 350	\$ 542,500
Vault Storage System With Open Bottom	849,000	Gal	\$ 1.41	\$ 1,200,000
Manholes	13	Each	\$ 4,500.00	\$ 58,500
Subtotal				\$ 2,891,000
Contingency and Technical Services				\$ 1,176,000
TOTAL				\$ 4,067,000

Table 5.03-3 Alternative C—Sewer Separation and Belowground Stormwater Storage

Alternative D				
24-Inch Pipe in Street	2,200	Ft	\$ 450	\$ 990,000
24-Inch Pipe out of Street	400	Ft	\$ 250	\$ 100,000
18-Inch Replacement	1,550	Ft	\$ 350	\$ 542,500
Stormwater Storage	1,000,000	Gal	\$ 0.20	\$ 200,000
Manholes	13	Each	\$ 4,500.00	\$ 58,500
Subtotal				\$ 1,891,000
Contingency and Technical Services				\$ 904,000
TOTAL				\$ 2,795,000

Table 5.03-4 Alternative D-Sewer Separation and Aboveground Stormwater Storage

5.04 ENVIRONMENTAL AND HISTORICAL IMPACTS**A. Detention Basin at 25th Street and Coles Boulevard**

The City is currently in the process of acquiring the property where this detention basin will be constructed. Currently, no structures exist on this property. An OEPA jurisdictional determination is to be made. There is a possibility that the affected waters may be waters of the state and permitting and mitigation could be necessary.

B. Storage Area at 23rd Street and Grandview Avenue

The proposed storage area at the properties of 2311 Grandview Avenue and 2315 Grandview Avenue would require the demolition of the two homes on those lots. The OEPA has determined that these homes were constructed in the early 1950s and may be a representative example of WWII suburban residential development. These homes could be eligible for listing in the National Register of Historic Places. The proposed demolition would also generate a high level of public interest because the demolition of these two homes, in an otherwise uniform block, would be a significant change. The OEPA recommended that the City investigate the historical significance of these homes. The historical significance of these homes and public interest must be taken into account for alternative selection.

C. Sewer Separation

The proposed sewer separation activities take place in roadways where piping exists and the area has been disturbed. Therefore, no adverse environmental impacts are expected for this proposed area.

5.05 RECOMMENDATION

The recommendation of this report is to implement Alternative D. This alternative offers the most long-term benefit for the future separation of the system at a cost comparable to or less than other alternatives.

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6.01 FINANCIAL CAPABILITY ANALYSIS

Following the EPA's *Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development* document, the City of Portsmouth's financial capability was determined. The financial resources of the City were evaluated based upon:

1. Total annual wastewater and CSO control cost per household as a percent of median household income.
2. Bond ratings.
3. Overall net debt as percent of full market property value.
4. Unemployment rate.
5. Median household income.
6. Property tax revenue collection rate.
7. Property tax revenues as a percent of full market property value

The document applies a two-phase approach through a series of worksheets to assessing the financial capability. The first phase identifies the combined impact of wastewater and CSO control costs on individual households. The second phase examines the debt, socioeconomic, and financial conditions of a permittee. Details of these calculations are included in Appendix B. The results of these two phases are combined in the Financial Capability Matrix.

Permittee Financial Capability Indicators Score	Residential Indicator (cost per Household % of MHI)		
	Low (Below 1%)	Mid-Range (1%-2%)	High (Above 2%)
Weak (Below 1.5)	Medium Burden	High Burden	High Burden
Mid-Range (1.5-2.5)	Low Burden	Medium Burden	High Burden
Strong (Above 2.5)	Low Burden	Low Burden	Medium Burden

Table 6.01-1 Financial Capability Matrix

The Residential Indicator for the City (cost per household as a percent of median household income) was found to be 1.69 percent. The Permittee Financial Capability Indicators score was found to be 1.5. Combining these in the Financial Capability Matrix (Table 6.01-1), the City of Portsmouth was found to have a high financial burden from the implementation of Alternative D.

While the EPA worksheets provide a snapshot of the City's financial burden, the long-term effect of the recommended alternative and other future projects was considered as well. The financial headroom for each year was calculated and projected over the next 30 years. These calculations take into account another planned project for which the City will begin paying in 2014. Including this additional project and

extending the analysis until 2049 provides a clearer view of the long-term financial impact of this project on the City's finances. The EPA guidance shows a financial impact of medium burden in the current year for the proposed alternative, but this burden becomes a high burden as sewer rates increase in the upcoming years.

Any project will have great impact on the average customer in the service area. The median household income (MHI) of Portsmouth is only \$22,270, and the MHI of New Boston is \$18,563, compared to the national MHI of \$52,762 according to the 2010 census data. The financial burden of rate increases on the average New Boston customer is greater than that on the average Portsmouth customer. Assessment of the residential indicator for customers in both Portsmouth and New Boston shows that the sewer cost per household is projected to be near 2 percent for both these communities in the upcoming years. Any cost per household above 2 percent is considered to be a high burden. Long-term financing and phasing of projects helps to lessen the impact on the customer, and sewer rate increases may be minimized.

6.02 SEWER RATE RECOMMENDATIONS

Need additional information from City.

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APPENDIX A
EXISTING DOCUMENTS AND REPORTS *(provided on CD)*

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B.01 WORKSHEETS

The first worksheet in the financial capability analysis identifies the current and projected wastewater treatment costs per household. The results of this analysis are shown in the table below.

Data for these worksheets was provided by the United States Census Bureau, the City of Portsmouth's 2013 Operating Budget and 2011 Comprehensive Annual Financial Report.

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City of Portsmouth, Ohio
Facilities Plan

Appendix B—Financial Capability Analysis Worksheets

Current WWT Costs		Line Number
Annual Operations and Maintenance Expenses (Excluding Depreciation)	\$ 2,506,801	100
Annual Debt Service (Principal and Interest)	\$ 492,200	101
Subtotal (Line 100 + Line 101)	\$ 2,999,000	102
Projected WWT and CSO Costs (Current Dollars)		
Estimated Annual Operations and Maintenance Expenses (Excluding Depreciation)	\$ 100,000	103
Annual Debt Service (Principal and Interest)	\$ 200,000	104
Subtotal (Line 103 + Line 104)	\$ 300,000	105
Total Current and Projected WWT and CSO Costs (Line 102 + Line 105)	\$ 3,299,000	106
Residential Share of Total WWT and CSO Costs	\$ 3,134,050	107
Total number of Households in Service Area	7,987	108
Cost Per Household (Line 107/108)	\$ 392	109

Table 5.01-1 Cost Per Household

Draft for Owner Review

City of Portsmouth, Ohio
Facilities Plan

Appendix B—Financial Capability Analysis Worksheets

Worksheet 2 determined the adjusted median household income, which was then used to calculate the annual wastewater and CSO control costs per household as a percent of adjust median household income.

Median Household Income (MHI)		<u>Line Number</u>
Census Year MHI (2010)	<u>\$ 21,904.00</u>	201
MHI Adjustment Factor	<u>\$ 1.06</u>	202
Adjusted MHI (Line 201 x Line 202)	<u>\$ 23,218.00</u>	203
Annual WWT and CSO Control Cost per Household (CPH) (Line 109)	<u>\$ 392.00</u>	204
Residential Indicator:		
Annual WWT and CSO Control CPH as a percent of Adjusted MHI Line 204/203 x 100	<u>1.69%</u>	205

Table 5.01-2 Residential Indicator

Draft for Owner Review

City of Portsmouth, Ohio
Facilities Plan

Appendix B—Financial Capability Analysis Worksheets

Worksheets 3 and 4 assess the debt indicators of bond ratings and overall net debt as a percent of full market property value. This assessment of the current debt burden of the permittee or the communities within the permittee's service area quantifies their ability to issue additional debt to finance the CSO controls.

Most Recent General Obligation Bond Rating		<u>Line Number</u>
Date	<u>12/15/2011</u>	
Rating Agency	<u>Moody's</u>	
Rating	<u>Baa1</u>	301
Most Recent Revenue (Water/Sewer or Sewer) Bond		
Date	<u></u>	
Rating Agency	<u></u>	
Bond Insurance (Yes/No)	<u></u>	
Rating	<u></u>	302
Summary Bond Rating	<u>Baa1</u>	303
Table 5.01-3 Bond Rating		

Draft for Owner Review

Worksheet 4 determines the overall net debt as a percent of full market property value. This indicator provides a measure of the debt burden on residents within the permittee's service area and measures the ability of local governmental jurisdictions to issue additional debt.

		<u>Line Number</u>
Direct Net Debt (G.O. Bonds Excluding Double- Barreled bonds)	<u>\$ 1,585,000</u>	401
Debt of Overlapping Entities (Proportionate Share of Multijurisdictional Debt)	<u>\$ 15,005,714</u>	402
Overall Net Debt (Lines 401 + 402)	<u>\$ 16,590,714</u>	403
Market Value of Property	<u>\$ 217,525,430</u>	404
Overall Net Debt as a Percent of Full Market Property Value (Line 403/(Line 404 x 100))	<u>7.63%</u>	405

Table 5.01-4 Overall Net Debt as a Percent of Full Market Property Value

Worksheets 5 and 6 take into account socioeconomic indicators to assess the general economic well-being of residential users in the permittee's service area.

		<u>Line Number</u>
Unemployment Rate - Permittee	<u>13.6</u>	501
Source	<u></u>	
Unemployment Rate - County (use if permittee's rate is unavailable)	<u></u>	502
Source	<u>ACS Survey-US Census Bureau</u>	
Benchmark	Weak	
Average National Unemployment Rate	<u>8.2</u>	503
Source	<u>Bureau of Labor Statistics</u>	
Table 5.01-5 Unemployment Rate		

		<u>Line Number</u>
Median Household Income - Permittee (Line 203)	<u>\$ 23,218</u>	601
Source	<u>US Census Bureau</u>	
Benchmark		
Census Year National MHI	<u>\$ 52,762</u>	602
MHI Adjustment Factor (Line 202)	<u>\$ 1.06</u>	603
Adjusted National MHI (Line 602 x Line 603)	<u>\$ 55,928</u>	604
Source	<u>US Census Bureau</u>	
Table 5.01-6 Median Household Income		

Draft for Owner Review

City of Portsmouth, Ohio
Facilities Plan

Appendix B—Financial Capability Analysis Worksheets

Worksheets 7 and 8 provide financial management indicators through the evaluation of the permittee's overall ability to manage financial operations. Worksheet 7 assesses the property tax burden, or the funding capacity available to support debt based on the wealth of the community. It also reflects the effectiveness of management in providing community services. The results of Worksheet 7 show that the property tax revenues as a percent of full market property value are at 0.95 percent. This is rated as a strong value.

		<u>Line Number</u>
Full Market Value of Real Property (Line 404)	\$ 217,525,430	701
Property Tax Revenues	\$ 2,076,833	702
Property Tax Revenues as a Percent of Full Market Property Value (702/701*100)	0.95%	703

Table 5.01-7 Property Tax Revenues As A Percent of Full Market Property Value

The property tax revenue collection rate, as calculated in Worksheet 8, is an indicator of the efficiency of the tax collection system and the acceptability of tax levels to residents. The value calculated below (92%) is rated as "weak" by the guidance document.

		<u>Line Number</u>
Property Tax Revenue Collected (Line 702)	\$ 2,076,833	801
Property Tax Levied	\$ 2,251,388	802
Property Tax Revenue Collection Rate (Line 801/Line 802 x 100)	92%	803

Table 5.01-8 Property Tax Revenue Collection Rate

Worksheet 9 compares the indicators generated from the worksheets to state, national, or industry benchmarks.

<u>Indicator</u>	<u>Column A Actual Value</u>	<u>Column B Score</u>	<u>Line Number</u>
Bond Rating (Line 303)	<u>Baa1</u>	<u>2</u>	901
Overall Net Debt as a Percent of Full Market Property Value (Line 405)	<u>7.63%</u>	<u>1</u>	902
Unemployment Rate (Line 501)	<u>13.6</u>	<u>1</u>	903
Median Household Income (Line 601)	<u>\$ 23,218.24</u>	<u>1</u>	904
Property Tax Revenue as a Percent of Full Market Property Value (Line 703)	<u>0.95%</u>	<u>3</u>	905
Property Tax Revenue Collection Rate (Line 803)	<u>92%</u>	<u>1</u>	906
Permittee Indicators Score (Sum of Column B/ Number of Entries)		<u>1.5</u>	907

Table 5.01-9 Summary of Permittee Financial Capability Indicators

Worksheet 10 summarizes the results of the residential indicator and the permittee financial capability indicators and combines them in the financial capability matrix to evaluate the level of financial burden the CSO controls may impose on a permittee.

		<u>Line Number</u>
Residential Indicator (Cost Per Household as a % of MHI)	1.69%	1001
Permittee Financial Capability Indicators	1.5	1002
Use Financial Impact Matrix from Table 3	High Burden	1003
Table 5.01-10 Summary		

Permittee Financial Capability Indicators Score	Residential Indicator (cost per Household % of MHI)		
	Low (Below 1%)	Mid-Range (1%-2%)	High (Above 2%)
Weak (Below 1.5)	Medium Burden	High Burden	High Burden
Mid-Range (1.5-2.5)	Low Burden	Medium Burden	High Burden
Strong (Above 2.5)	Low Burden	Low Burden	Medium Burden
Table 5.01-11 Financial Capability Matrix			

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 2:12 PM
To: sudhirvdesai@aol.com
Subject: FW: Portsmouth, OH/Request from Sturgill and sewer walk through
Attachments: AOC Update Apr-13.pdf; AOC Facilities Plan Apr-13.pdf

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Wednesday, April 24, 2013 9:15 AM
To: Vantil, Barbara; Desai, Sudhir
Cc: Scott Foster; David Malone; Ruggles, Kris; john lyons; DeMonte, Jessica E.
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Barbara,

Regarding your questions:

>First, were these documents provided in their entirety to the City Council, either electronically or in hard copy?

I provided Council with the document I called the "UPDATE: USEPA/ Administrative Order on Consent (AOC)" on Monday as a hard copy. I sent that document as a PDF to Council, along with the Facilities Plan, this morning. Both documents are attached with this email.

>Also, I noticed that the cost provided for the Lawson Run Sewer Separation Feasibility work did not appear to be complete. As you'll recall, there had previously been a dollar figure of \$1.25 million associated with that work. I understand the current scope, and costs, are more modest. The only price I see, though, is \$75k. It would be helpful to provide a more detailed cost estimate for this project, as you have done for some of the others. For us to understand the costs, we may need to have a discussion on the basis for these costs.

I discuss this question with Strand and provide this as soon as I can.

>When you talked to City Council last night, did any specific questions come up? Did you provide any info on what might be involved with Phase II?

FYI, Mr. Sturgill was absent last night. I did not address Council regarding the AOC. I did speak to them about other pressing issues not related to wastewater.

>Sudhir is working on our response to the public comments received. We will need to discuss some of those responses with you. Your cooperation in this will be greatly appreciated.

In a separate email, Sudhir said he would like to speak to me this afternoon about the comments. It would be helpful if you or he could forward the comments to me beforehand.

Thanks - Barbara

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 2:05 PM
To: Jones, Roslyn
Subject: RE: FOI Request-Portsmouth, OH

Thank you for taking care of my FOIA request quickly.

The attachment is the same below message from Steve Canter.

Sudhir Desai
312/886-6704

From: Jones, Roslyn
Sent: Tuesday, May 07, 2013 1:42 PM
To: Desai, Sudhir
Subject: RE: FOI Request-Portsmouth, OH

Good Afternoon,

I cannot read the attachment. Can you please send it as a pdf or word document.

Thank you

Roslyn Jones
Program Assistant
Environmental Protection Agency
Water Division
(312)886-3546
jones.roslyn@epa.gov

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:52 PM
To: Jones, Roslyn
Cc: Vantil, Barbara; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH

Hi Roslyn,

I got an electronic message from Mery Jackson in response to my below email to contact you.
Please process the below FOIA request.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:45 PM
To: Jackson, Mery
Cc: Vantil, Barbara; Prichard, Gary; Maraldo, Dean; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH

Hi Mery,

Here is the FOIA request from Mr. Steve Canter that I received to day. Please assign the FOIA number and I will start working on this request to provide the requested information.

Thank you.

Sudhir Desai
312/886-6704

From: Steve Canter [scanter@enveng.com]
Sent: Tuesday, May 07, 2013 12:24 PM
To: Desai, Sudhir; Desai, Sudhir
Subject: FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth and US EPA for the past month (April 7 – May 7, 2013).

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,
Steve Canter

Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced
into the EPA network. EPA is deleting all computer program attachments
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you
should contact the sender and request that they rename the file name
extension and resend the Email with the renamed attachment. After
receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:52 PM
To: Jones, Roslyn
Cc: Vantil, Barbara; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH
Attachments: ATT00001.txt

Hi Roslyn,

I got an electronic message from Mery Jackson in response to my below email to contact you.
Please process the below FOIA request.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 12:45 PM
To: Jackson, Mery
Cc: Vantil, Barbara; Prichard, Gary; Maraldo, Dean; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH

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Here is the FOIA request from Mr. Steve Canter that I received to day. Please assign the FOIA number and I will start working on this request to provide the requested information.

Thank you.

Sudhir Desai
312/886-6704

From: Steve Canter [scanter@enveng.com]
Sent: Tuesday, May 07, 2013 12:24 PM
To: Desai, Sudhir; Desai, Sudhir
Subject: FOI Request

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Sent: Tuesday, May 07, 2013 12:45 PM
To: Jackson, Mery
Cc: Vantil, Barbara; Prichard, Gary; Maraldo, Dean; Moore, Denise
Subject: FW: FOI Request-Portsmouth, OH
Attachments: ATT00001.txt

Hi Mery,

Here is the FOIA request from Mr. Steve Canter that I received to day. Please assign the FOIA number and I will start working on this request to provide the requested information.

Thank you.

Sudhir Desai
312/886-6704

From: Steve Canter [scanter@enveng.com]
Sent: Tuesday, May 07, 2013 12:24 PM
To: Desai, Sudhir; Desai, Sudhir
Subject: FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth and US EPA for the past month (April 7 – May 7, 2013).

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,
Steve Canter

Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 11:23 AM
To:
Cc: RDuncan1@falcon1.net
Subject: FW: Public Comments to Portsmouth Ohio DAO
Attachments: OEPA-WPCLF Submission memo 2.27.13.pdf

Good Afternoon Mayor Malone,

Here is the public comment I had received from Ms. Carter that I shared with you earlier. Hope you had the opportunity to share it with Duncan. If not, I am sharing it with Duncan so he can provide feedback to us.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Friday, May 03, 2013 12:02 PM
To: Desai, Sudhir
Subject: FW: Public Comments to Portsmouth Ohio DAO

From: Taryn [tegn@enveng.com]
Sent: Friday, May 03, 2013 7:51 AM
To: Desai, Sudhir
Cc: Frank Leone; Steve Canter; dmalone@portsmouthoh.org; ssturgill@zoomnet.net
Subject: Public Comments to Portsmouth Ohio DAO

Dear Mr. Desai,

In response to your request that we provide comment regarding Portsmouth LTCP, please find attached a list of questions which need to be evaluated.

These questions represent issues which need to be clarified in order for the City of Portsmouth to have a clear understanding of its long term obligation.

Feel free to call Frank Leone or Steve Canter should you have any questions.

Sincerely,

Taryn Carter
Environmental Engineering Service
3575 Columbia Rd.
Lebanon, Ohio 45036
PH: (513) 934-1512
Fax: (513) 934-1515

QUESTIONS REGARDING OEPA – WPCLF SUBMISSION INFORMATION

- How can the City proport to be seeking “Principle Forgiveness” when it doesn’t meet the threshold requirements as defined by OEPA?
- How can the City request a 30 year amortization for its WPCLF borrowing when the maximum term as defined by OEPA is 20 years?
- The submissions by the City to the WPCLF Program request the borrowing of \$4.59M for the so called Phase I Projects. Based on the WPCLF loan terms (without “Principle Forgiveness”) what is the maximum annual Debt Service Payment for the Phase I Projects?

QUESTIONS REGARDING THE DAO

- What are the potential sanctions/ penalties associated with non-compliance with the DAO either with items or time schedules?
- What are the anticipated costs associated with the development of the required MOM and the implementation of the MOM elements?
- Do the commitments identified in the current DAO end the City’s requirements for further LTCP and/or CSO elimination?
- What is the current status of an approvable LTCP for the City of Portsmouth?
- Is there a specific federal threshold (i.e. % of MHI) above which the City will not be required to comply with LTCP/ CSO elimination implementation?

QUESTIONS REGARDING PUBLIC MEETING PRESENTATIONS

- The presentations left the clear impression that the commitments made by execution of the DAO were only targets subject to “fairly simple” adjustment. Is this the position of USEPA?
- The presentation represented that the work completed toward the satisfaction of the DAO is a new LTCP. Is this the position of USEPA?
- The presentation represented that the “308” request initiated by USEPA is “fairly routine” practice of no major significance. Is this a factual characterization of the document?
- The presentation left the clear impression that the City’s obligation to USEPA for LTCP/CSO elimination is limited to expenses up to those fundable by sewer rates of 2% of MHI. Is this the position of USEPA?
- The presentation indicated that the immediate focus of CSO #2 (rather than smaller up stream CSO projects which would reduce the problem at CSO #2) is a focus being required by EPA. Is that true?
- The presentation described the potential project to separate all 33 sanitary sewer connections from the Lawson Run Storm Sewer as a “fairly affordable project”. Has the City provided any documentation estimating this “fairly affordable” project?

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 11:18 AM
To: sdesaix@gmail.com
Subject: FW: FW: Message from "R5-15-06"/Portsmouth, OH public comments
Attachments: AOC Comment Responses.docx

pl. print.

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Monday, May 06, 2013 8:59 PM
To: Desai, Sudhir; dmalone@portsmouthoh.org
Cc: Vantil, Barbara; Prichard, Gary; 'Foster, Scott'; Jennifer Witte; John Lyons; Ruggles, Kris; DeMonte, Jessica E.
Subject: Re: FW: Message from "R5-15-06"/Portsmouth, OH public comments

Sudhir-

Attached are my proposed responses to the public comments you forwarded to me.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Comments:

Larry Essman:

The citizen is encouraged to contact the City of Portsmouth Sewer Department regarding his concerns about downspout removal. Disconnection of downspouts from 47 residences north of 23rd Street in the Grandview Area is a requirement of the proposed Administrative Order on Consent. It was not a unilateral action by the City of Portsmouth.

Robert Forrey:

1. At this time, Phase Two projects have not yet been identified. The actual projects to be chosen will depend on the results of work completed in Phase One.

Possible Phase Two projects include:

- Lawson Run Sewer Separation, depending on the results of the Lawson Run Sewer Feasibility Study.
- Additional inflow and infiltration removal in the North Moreland area, depending on the effectiveness of Phase One efforts.
- Additional stormwater mitigation in the upper Grandview area.

The cost of possible Phase Two projects is unknown at present.

2. Enforcement language in the proposed Administrative Order on Consent (AOC) is typical of language used in other agreements negotiated by US EPA. The agency intends to enforce the AOC.

3. The 2010 proposed Long Term Control Plan (LTCP) called for the following financial obligations for the City of Portsmouth:

- The expenditure of \$69,720,000 million for 7 major sewer improvements to be constructed by 2024. (Table 6-2 and Figure S-1.)
- Annual sewer rate increases of 8% every year for 14 years. (Page 2 of Introduction, Table 6-1.) This amounts to a 294% total rate increase.
- Increased annual debt service of \$5,326,200 by 2024 (Table 6-1, Appendix 6: Worksheet 1)
- Increase in the annual sewer bill for the average household from \$309 to \$968, an increase of 313%. (Table 6-1, Appendix 6: Worksheet 1)

In the judgment of the current city administration, the costs were excessive and they requested a reconsideration of the LTCP. Plan affordability is a normal consideration in the development of all LTCPs. Affordability guidelines are provided in the publication "Combined Sewer Overflows Guidance for Financial Capability Assessment and Schedule Development (Final)" (EPA 832-B-97-004). (<http://www.epa.gov/npdes/pubs/csofc.pdf>.)

4. Phase One projects are expected to cost \$3,950,000. Annual debt service for Phase One Projects is estimated to be \$ 232,000 based on an estimated interest rate of 2.94% for 20 years. Other requirements of the AOC, such as increased sewer maintenance and cleaning, engineering, and reporting are expected to cost \$150,000 to 200,000 annually. The City estimates that, in order to pay the increased debt service and other requirement of the AOC sewer rates will have to increase by 7.7%. Phase Two projects and costs are yet to be determined.

5. The current City administration requested that the 2010 LTCP be reconsidered based on excessive costs and affordable sewer rate increases. It is anticipated that sewer projects in the proposed AOC adequately mitigate future flooding events.

6. The City states that the 95% figure is an estimate provided by the City's Public Utilities Department-Billing Division.

7. A portion of Southern Ohio Medical Center (SOMC) stormwater runoff currently flows into the natural channel south of the SOMC property line. The proposed detention basin will incorporate the natural channel. All flows that currently run into the natural channel, including existing runoff from SOMC, will be detained in the proposed detention basin. The proposed basin will detain excessive flows and slowly release them into the Lawson Run Sewer.

No modification of existing parking lots is anticipated. The city indicates that SOMC already has constructed sufficient stormwater detention at its facilities and is in compliance with current City stormwater regulations.

8. The proposed structure (2300 Block of Grandview Avenue) is expected to receive flow from the Lawson Run Sewer when the water elevation in the sewer reaches a predetermined level. After the rain event has ended, the flow it would then be drained back into the Lawson Run Sewer by gravity flow.

9. The proposed detention structures will be maintained by the City at a cost which is yet to be determined.

10. The anticipated costs of projects in the proposed AOC are less than the costs in either the 2009 Long Term Control Plan Revision or the 2010 LTCP.

11. A 2012 report ("Sanitary Sewer System Study for Grandview Area," prepared by Environmental Engineering Service) indicated that 63 homes had downspouts or other stormwater connections (47 were downspouts, 16 were other connections) that introduced stormwater into the Redwood Alley sewer, west of Grandview Avenue. This stormwater causes basement flooding in some homes that are connected to the Redwood Alley sewer. The Environmental Engineering Service report recommended that the 63 residences be required to disconnect their stormwater connections. (Recommendations, page 7.)

Implementation of the downspout removal recommendations in the Environmental Engineering Service report is a requirement of the proposed Administrative Order on Consent.

Future downspout disconnection is anticipated in other areas of the City.

12. The Environmental Engineering Service report ("Sanitary Sewer System Study for Grandview Area," 2012) estimates that "Based on a roof area of 2,000 square feet per residence and 1" of rainfall, approximately 60,000 gallons of inflow from downspouts is introduced into the sanitary system from the 47 identified cross connections. 1" of rainfall in 30 minutes has a much greater short term impact on the capacity of the collection system." (Page 3). The report also states that this is up to "20 times the normal dry weather flow." (Page 1)
 13. The Environmental Engineering Service report ("Sanitary Sewer System Study for Grandview Area," 2012) concludes that "The most significant source of inflow identified by smoke testing is from residential downspouts." (Page 3)
 14. The amount of stormwater runoff from SOMC, Hillview, and the National Guard Armory depends on the intensity and duration of rainfall. The City has verified that SOMC and Hillview have stormwater detention provisions in compliance with the City's current stormwater regulations, which are based on the Mid-Ohio Regional Planning Commission guidelines which are widely used in the State of Ohio.
 15. The National Guard Armory does not currently have stormwater detention structures, however, the City is in discussions with US Army representatives to construct a detention structure.
 16. SOMC and Hillview Retirement Center are in compliance with City stormwater regulations. Both SOMC campuses have underground detention structures and Hillview has a pond with a restricted outlet to which all of the facility's runoff is directed.
-

Ruth Maracek:

1. Same as Robert Forrey comment #5.
2. The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.
3. Same as Robert Forrey comment #11.
4. Same as Robert Forrey comment #15.
5. Same as Robert Forrey comment #16.
6. The City intends to have all properties appraised by a qualified real estate appraiser. The purchase price will be negotiated between the seller and the City. The City will endeavor to design and construct all improvements so that the value of neighboring properties will not be affected.
7. Same as Robert Forrey comment #3.

Additional unnumbered comment: The City intends to acquire property between 23rd and 25th Streets on the west side of Grandview Avenue to construct the proposed project. If your property is available for the city to acquire you may wish to contact the city about the matter.

Sandra Lawyer:

The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.

1. Same as Robert Forrey comment #1.
 2. Same as Robert Forrey comment #2.
 3. Same as Robert Forrey comment #3.
 4. Same as Robert Forrey comment #4.
 5. Same as Robert Forrey comment #5.
 6. Same as Robert Forrey comment #10.
 7. Same as Robert Forrey comment #14.
 8. Same as Robert Forrey comment #16.
-

Jane Murray:

1. The current City administration has determined that the proposed project described in the 2010 Long Term Control Plan (a \$1.365 million pump station near the intersection of the Grandview Avenue and 23rd Street) would not be beneficial, and it is not being considered in the AOC. Also, the 2010 LTCP called for the construction of the project, "Based on favorable action of the OPWC-LTIP Application." (Appendix d, Task 3.) The Ohio Public Works Commission (OPWC) funding application was denied.

2, 3. The current City administration believes that the \$69,720,000 cost of improvements and associated sewer rate increases in excess of 300% are unaffordable. The 2010 Long Term Control Plan determines the Residential Indicator Value (cost per household as a % of Median Household Income) to be well into the "High Burden" category at 3.29%. This is well in excess of affordability guidelines provided in the publication "Combined Sewer Overflows Guidance for Financial Capability Assessment and Schedule Development (Final)" (EPA 832-B-97-004). (<http://www.epa.gov/npdcs/pubs/csofc.pdf>.)

Due to these high costs, the City requested that the 2010 Long Term Control Plan be reviewed.

4. USEPA takes the position that sanitary sewer overflow issues and building flooding issues take precedence over Combined Sewer Overflow issues. The proposed AOC prioritizes these concerns.

5. The City has determined that events such as the July 2011 basement backups on Grandview Avenue are caused by downspouts conveying excessive stormwater flows into the Redwood Alley sewer west of Grandview Avenue, rather than operation of weir gates at the wastewater treatment plant.

6. See response 2, 3 above.

7. The current proposed AOC is intended to address the City's wastewater needs at an affordable cost.

8. The City intends to spend about \$ 75,000 (seventy-five thousand dollars) on additional engineering work associated with the Administrative Order on Consent (AOC) rather than the \$1.25 million estimate listed in the Draft AOC.

9. A 2012 report ("Sanitary Sewer System Study for Grandview Area," prepared by Environmental Engineering Service) indicated that 63 homes had downspouts or other stormwater connections (47 were downspouts, 16 were other connections) that introduced stormwater into the Redwood Alley sewer, west of Grandview Avenue. This stormwater causes basement flooding in some homes that are connected to the Redwood Alley sewer. The Environmental Engineering Service report recommended that the 63 residences be required to disconnect their stormwater connections. (Recommendations, page 7.)

The City has indicated that SOMC and Hillview Retirement Center are in compliance with City stormwater regulations. Both SOMC campuses have underground stormwater detention structures and Hillview has a pond with a restricted outlet to which all of the facility's runoff is directed.

It is anticipated that sewer projects in the proposed AOC adequately mitigate future flooding events.

10. The sewage grinders installed by Southern Ohio Medical Center (SOMC) in 2010 are operational and appear to be functioning satisfactorily. These are no known current problems being caused by sewage from SOMC.

11.a. In July of 2009, the City of Portsmouth submitted a report referred to as "Combined Sewer System Long Term Control Plan (Revision)," dated July 1, 2009. In January 2010, USEPA requested additional information regarding the submittal pursuant to Section 308 of the Clean Water Act. The subsequent administration responded to the Section 308 Request.

11.b. The language that you characterize as "political in nature" and "inaccurate" does not appear in the proposed Administrative Order on Consent.

11.c. Affordability analysis is typically a required section of Long Term Control Plans submitted to USEPA. The City indicates that the number of homes proposed for backflow prevention devices was a preliminary estimate for the purposes of the LTCP, which could be increased or decreased based on further information.

11.d. In subsequent discussions between USEPA and the City determined that the feasibility of sewer separation merited further examination. However the cost of the feasibility study is expected to be \$75,000 rather than \$1.25 million.

12. Mr. Duncan's slide presentation was reviewed by the Agency prior to the February 12, 2013 public meeting and was prepared by Mr. Duncan based in part of input from the Agency. All interested parties were allowed to speak and given ample opportunity to do so. The meeting did not conclude until there were no more questions or comments from the public in attendance.

13. The City has indicated that they may implement some type of stormwater fee which may be used to pay for a portion of the costs associated with the AOC.

Additional comments by Jane Murray:

1. At this time, Phase Two projects have not yet been identified. The actual projects to be chosen will depend on the results of work completed in Phase One.

Possible Phase Two projects include:

- Lawson Run Sewer Separation, depending on the results of the Lawson Run Sewer Feasibility Study.
- Additional inflow and infiltration removal in the North Moreland area, depending on the effectiveness of Phase One efforts.
- Additional stormwater mitigation in the upper Grandview area.

The cost of possible Phase Two projects is unknown at present.

2. Same as Robert Forrey comment #2.

3. Same as Robert Forrey comment #11.

4. Same as Robert Forrey comment #4.

5. Same as Robert Forrey comment #5.

6. Same as Robert Forrey comment #3.

7. Same as Robert Forrey comment #15.

8. Same as Robert Forrey comment #16.

9.a. Peer review may be conducted at the City's initiative, but is not required by the AOC.

9.b. The public comment period was extended as requested. USEPA does not intend to conduct additional hearings; however, the City may choose to do so at their discretion.

10. Mr. Desai has been involved in all discussions with the current City Administration and he remains in charge of the Agency's enforcement actions.

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, May 07, 2013 11:16 AM
To: rduncan1@falcon1.net; dmalone@portsmouthoh.org
Cc: Vantil, Barbara; Prichard, Gary; 'Foster, Scott'; Jennifer Witte; john lyons; Ruggles, Kris; DeMonte, Jessica E.
Subject: RE: FW: Message from "R5-15-06"/Portsmouth, OH public comments

Hi Rick,

We received the public comment from Ms. Carter. Do you have any feed back?

Thank you.

Sudhir

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Monday, May 06, 2013 8:59 PM
To: Desai, Sudhir; dmalone@portsmouthoh.org
Cc: Vantil, Barbara; Prichard, Gary; 'Foster, Scott'; Jennifer Witte; john lyons; Ruggles, Kris; DeMonte, Jessica E.
Subject: Re: FW: Message from "R5-15-06"/Portsmouth, OH public comments

Sudhir-

Attached are my proposed reponses to the public comments you forwarded to me.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, July 09, 2013 10:27 PM
To: Strouse, Erin
Subject: RE: friend recommendation from Portsmouth Daily Times

Erin,

Rick has unique ways of presenting the facts to his advantage. This article speaks for itself and you have read my comments. So I am not repeating them.

Thank you.

Sudhir

From: Strouse, Erin [Erin.Strouse@epa.state.oh.us]
Sent: Tuesday, July 09, 2013 11:46 AM
To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

True. Thanks, Barbara!

From: Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]
Sent: Tuesday, July 09, 2013 12:42 PM
To: Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

From: Strouse, Erin [<mailto:Erin.Strouse@epa.state.oh.us>]
Sent: Tuesday, July 09, 2013 11:08 AM
To: Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber
Subject: RE: friend recommendation from Portsmouth Daily Times

Unfortunately, the reporter did not call to get any input from us on this article, and it's difficult to ask for a correction since the incorrect statement was within a quote attributed to Mr. Duncan.

If the city is providing incorrect information to the people, perhaps the city is unaware of the information Sudhir shared? Perhaps the best route is to communicate these things with Mr. Duncan during your next conversation with him. Does anyone plan to speak with him anytime soon?

Erin

From: Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]
Sent: Monday, July 08, 2013 5:19 PM
To: Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara

From: Desai, Sudhir
Sent: Monday, July 08, 2013 3:26 PM
To: Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5 Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai
312/886-6704

From: Foster, Scott [mailto:scott.foster@epa.state.oh.us]
Sent: Monday, July 08, 2013 11:52 AM
To: Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara
Subject: friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:
The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above

described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Protection Agency

Ohio Environmental

Desai, Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Wednesday, June 19, 2013 2:42 PM
To: rduncan1@falcon1.net; Desai, Sudhir; Vantil, Barbara
Cc: Witte, Jennifer; Barienbrock, Andrew
Subject: RE: conference call Portsmouth, OH/June 12, 2013

Rick:

After much discussion, the Ohio EPA can't excuse the city from having a Class IV operator in responsible charge of the Lawson Run Wastewater Treatment Plant. It is a requirement included in your NPDES permit and in Ohio Administrative Code 3745-7-04. If you have any additional comments or requests, please feel free to contact me.

Sincerely,

Scott Foster
Environmental Specialist 2
Division of Surface Water
Southeast District
Ohio EPA
740-380-5227
scott.foster@epa.ohio.gov

From: rduncan1@falcon1.net [mailto:rduncan1@falcon1.net]
Sent: Wednesday, June 12, 2013 4:11 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Witte, Jennifer; Foster, Scott
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Sudhir, et al.,

Sudhir's summary is an accurate description of our conversation.

I would like to reiterate Sudhir's statement about the Class IV issue. Due to the ongoing cost, paying for Mike Shaw's services is becoming a major issue for members of Council. Certain concerned locals are sure to use the issue to their maximum advantage. I will be surprised if it does not become a front page issue in near future, which will be another distraction that I am not prepared to deal with at this time.

On the other hand I sent my revised application to the advisory board in March and I met with the board on May 16. The board indicated that my application was sufficient and did not need to be revised. But they stated that they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

I am very concerned that the near-inevitable consequences of continuing to require the city to hire Class IV supervision will undermine my position with City Council and seriously jeopardize the work we have all done in advancing the AOC to this point. I hope that, considering the advanced status of my application, Ohio EPA can exercise additional discretion regarding the Class IV requirement.

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 1:10 PM
To: Vantil, Barbara
Subject: FW: conference call Portsmouth, OH/June 12, 2013- confidential

Hi Barbara,

I talked to Rick Duncan about 40 min. or so. He feels that we are acting heavy handed with him. Though he did acknowledge that we are giving him support. He felt that since he does not have resources to do MOM and he does not want to set him up for a failure. Our aggressive push for actions are constituting like throwing him in front of the wolves.

It appears to me that the City agrees in principle to sign the ACO but with Rick's reservations and comments, he wants to reduce reporting requirements and waiver from MOM and projects related to MOM. This was discussed with him for more than two years and this is the first time I am hearing that he has reservations about these matters. I am worried. You have gone at a great length to explain to him on MOM.

He is worried that the citizens are making a big issue about the City has to pay him and pay the contractor for his debacle on Class IV operator's licence. He seemed to be worried about its ramifications on his employment. He is also worried what kind of support he will get from Jennifer and Scott on this issue. Looks like some city council members are going along with Jane Murray's approach on this case (i.e., why do we need to pay twice: Rick and Mike when Rick is required to have Class IV).

Here is what I am proposing:

1. Wait until we hear from City's lawyer to get the feed back.
2. We should insist on moving forward with our agreed projects without any delays. No more waiving MOM and reporting requirements.
3. None of the projects are shovel ready and I am afraid the City may loose some of the funding.
4. On the 23rd and Grandview Avenue projects, the City is proposing an underground structure but when it is doing the debt service calculations, the number used are for the above ground facility at this location.

I wanted to give you heads up so you can provide your feed back when we meet next week.

Thank you.

Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:43 PM
To: Vantil, Barbara; desai.sudhbir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

Rick Duncan called me this morning. We had scheduled the call this morning. However, because of the schedule conflicts, we were unable to originate the call together.

Here is the short summary of this call between me and Rick Duncan:

1) Rick does not see any problem with moving forward with the projects identified in the proposed ACO. However, he stated that he has concerns about moving forward with MOM and related work. Rick would like to tweak on the project schedule completion and or start dates. I stated that that we can discuss during the next call. Rick also felt that reporting requirements for the projects are too much for him. I stated that the Agency needs to know progress of the projects and we ask the similar information from other communities. I reiterated my frustration about not having supporting documents for cost estimates and other technical information. He felt that he has given the total cost figures. I stated that we want to make sure the cost and other technical details are on hand to review project viability and to determine if the costs derived for the projects are realistic and accurate.

2) I discussed three projects identified in the ACO:

a) 25th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.

b) 23rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)

c) Armory: The project will move forward without any significant modifications. This is an above ground system.

Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, July 15, 2013 9:58 AM
To: Group R5Foia
Cc: Desai, Sudhir; Jackson, Mery; Moore, Denise; Fields, Tarsha
Subject: FW: FOI Request

Please enter into FOIA database.

Note that I won't be back into the office until July 31st, so we can't finish our response until I'm back.

Thanks - Barbara

From: Steve Canter [<mailto:scanter@enveng.com>]
Sent: Monday, July 15, 2013 9:56 AM
To: Desai, Sudhir
Cc: Vantil, Barbara
Subject: FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth, US EPA, Ohio EPA and inter-office correspondence pertaining to the Portsmouth, Ohio matter for the period May 7, 2013 – present.

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,
Steve Canter



Stephen Canter, P.E.
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
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which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

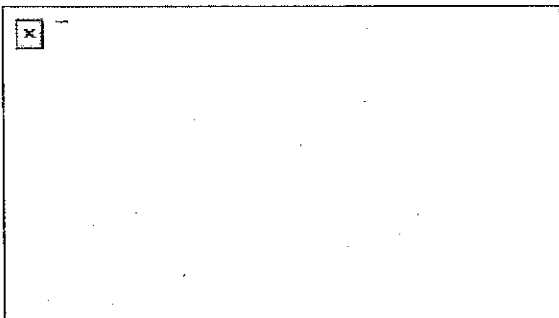
For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Steve Canter [scanter@enveng.com]
Sent: Thursday, May 30, 2013 9:25 AM
To: Desai, Sudhir
Subject: Portsmouth Times

<http://rivervices2.blogspot.com/2013/05/duncans-brain.html>



Stephen Canter, P.E.
13 Cherokee Trail
New Richmond, Ohio 45157
(513) 553-2707
(513) 553-2988 (Fax)

Lebanon Office
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

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receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at

(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Follow Up Flag: Follow up
Flag Status: Flagged

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinriverscity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]

Sent: Monday, June 03, 2013 8:18 AM

To: Maraldo, Dean; Prichard, Gary

Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill

Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

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Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:21 AM
To: Desai, Sudhir
Subject: FW: City's latest attempt to answer the AOC

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]

Sent: Thursday, May 23, 2013 3:23 PM

To: Desai, Sudhir

Cc: Larry Essman; Bob Forrey; Maraldo, Dean; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Ruth Marasek; Sue Zoellner; Brenda McCane; Sandi Lawyer; Harald Daub fritzdaub@roadrunner.com; Rich Noel; Alan Barlow; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill; Sharon Bender; Austin Leedom; Chris Korleski; Fred Snell; scott.foster@epa.state.oh.us

Subject: City's latest attempt to answer the AOC

Hi Sudhir:

Larry and I are just now reviewing the latest Strand/Duncan debacle entitled a Facilities Plan dated April 2013 - which the public knew nothing about until yesterday when I received it. Actually it should be called a *Give More Public Monies to Strand for Nothing* plan.

We have a few questions just to begin:

1. Will anything go forward - including contracts - while we are digesting and objecting to this monstrosity?
2. You would not really consider the construction of an above ground detention pond on Grandview Avenue all around those homes, would you?

This is so looney tunes that we can't believe that they would not only put it in as one option...but would, in fact, select it!

When specifically asked at the public hearing in February, Mr. Duncan said it was a below ground basin. Now it's an above ground area that would have to be built below the level of basements in the area and receive raw sewage during excess flow periods.

I've copied this to some people who live right next door to, across the street and a few doors from the suggested sewage lagoon, stink hole, mosquito magnet, rat heaven (haven) - take your pick or picks!

Or am I missing something? Please advise.

3. Their proposal puts a new sanitary line on Dorman and connects to the Redwood Alley sanitary line. No one has been able to answer our question on whether those separate lines above (Indian Hills and east of it) combine before or at the confluence of Dorman, Shawnee and Coles Blvd. Can you please address this for us? What purpose does this new line serve?
4. Where is the protection for all of us above 25th Street? Do Mr. Duncan and his consultants know that dozens of us were hit in 2008 including the entire eastern block of Shawnee from 27th to Dorman and further up Coles Blvd.?
5. The downspout removal project has been a disaster for some residents...removals leading to seepage into neighboring homes. There has been no inspection. We will address this further, especially in that all properties in the city, not just residences, whose downspouts drain directly to the sanitary line have to be removed and rerouted...and not just the select 60+ houses on Grandview. Selective enforcement is illegal and unconstitutional.
4. Since Mr. Duncan has again failed his Class IV license, and since there is no position for him in government, can EPA shelve this stuff and work with the citizens and council on real solutions right now?

5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

M. Jane Murray

Desai, Sudhir

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:21 AM
To: Desai, Sudhir
Subject: FW: City's latest attempt to answer the AOC

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Thursday, May 23, 2013 3:23 PM
To: Desai, Sudhir
Cc: Larry Essman; Bob Forrey; Maraldo, Dean; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Ruth Marasek; Sue Zoellner; Brenda McCane; Sandi Lawyer; Harald Daub fritzdaub@roadrunner.com; Rich Noel; Alan Barlow; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill; Sharon Bender; Austin Leedom; Chris Korleski; Fred Snell; scott.foster@epa.state.oh.us
Subject: City's latest attempt to answer the AOC

Hi Sudhir:

Larry and I are just now reviewing the latest Strand/Duncan debacle entitled a Facilities Plan dated April 2013 - which the public knew nothing about until yesterday when I received it. Actually it should be called a *Give More Public Monies to Strand for Nothing* plan.

We have a few questions just to begin:

1. Will anything go forward - including contracts - while we are digesting and objecting to this monstrosity?
2. You would not really consider the construction of an above ground detention pond on Grandview Avenue all around those homes, would you?

This is so looney tunes that we can't believe that they would not only put it in as one option...but would, in fact, select it!

When specifically asked at the public hearing in February, Mr. Duncan said it was a below ground basin. Now it's an above ground area that would have to be built below the level of basements in the area and receive raw sewage during excess flow periods.

I've copied this to some people who live right next door to, across the street and a few doors from the suggested sewage lagoon, stink hole, mosquito magnet, rat heaven (haven) - take your pick or picks!

Or am I missing something? Please advise.

3. Their proposal puts a new sanitary line on Dorman and connects to the Redwood Alley sanitary line. No one has been able to answer our question on whether those separate lines above (Indian Hills and east of it) combine before or at the confluence of Dorman, Shawnee and Coles Blvd. Can you please address this for us? What purpose does this new line serve?
4. Where is the protection for all of us above 25th Street? Do Mr. Duncan and his consultants know that dozens of us were hit in 2008 including the entire eastern block of Shawnee from 27th to Dorman and further up Coles Blvd.?
5. The downspout removal project has been a disaster for some residents...removals leading to seepage into neighboring homes. There has been no inspection. We will address this further, especially in that all properties in the city, not just residences, whose downspouts drain directly to the sanitary line have to be removed and rerouted...and not just the select 60+ houses on Grandview. Selective enforcement is illegal and unconstitutional.
4. Since Mr. Duncan has again failed his Class IV license, and since there is no position for him in government, can EPA shelve this stuff and work with the citizens and council on real solutions right now?

5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

M. Jane Murray

Desai, Sudhir

From: Jane Murray [mjanemurray@yahoo.com]
Sent: Tuesday, June 04, 2013 5:23 PM
Subject: sad fifth anniversary

With computer issues...I'm a bit late. Today is the anniversary.

<http://wegottroublerighthereinrivercity.blogspot.com/2013/06/a-haunting-anniversary-june-4-2008.html>

Jane

M. Jane Murray
<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Jane Murray [mjanemurray@yahoo.com]
Sent: Tuesday, June 04, 2013 6:54 PM
To: Bob Forrey; Larry Essman
Subject: forgot Mike Jones

can't forget that SOB

M. Jane Murray

Desai, Sudhir

From: Sudhir Desai [sudhirvdesai@aol.com]
Sent: Tuesday, June 04, 2013 10:41 PM
To: sudhirvdesai@aol.com; Vantil, Barbara; Desai, Sudhir
Subject: Portsmouth, OH comment

Comments on Responses to Public Comments; Update to Council (4/19/20013) **regarding AOC; and Draft Facilities Plan (4/2013)**

A. GENERAL

1. The narrative to the City Council continues to imply the false equivalence that the current projects (flooding /SSO's) and the expenditure of \pm \$5.0M replace the \$69.0 M LTCP approved in 2010; and inaccurately describes the cost impact of the Phase I elements.
2. It is imperative that Rick Duncan informed the Council and the public that Phase I deals with non-LTCP issues. Phase II will begin the LTCP implementation. Subsequent Phase costs are not limited by 2% of MHI, but rather to the elimination of CSO events by approximately 85%
3. The City does not meet the baseline qualification requirements for Principal Forgiveness. If \$50M was available for 2013, the City still would not have qualified. Anticipation of Principal Forgiveness belief by Rick Duncan indicates a total misunderstanding of OEPA criteria.
4. Rick Duncan continues to misrepresent the content and financial impact of the 2010 LTCP and the rules under which it was prepared. same financial analysis rules will apply to the City when it attempts to secure USEPA approval of Phase II projects as part of an overall LTCP.
4. City's applications submitted to OEPA were clearly inaccurate. In addition to the "Principal Forgiveness Issue", loan terms were inaccurate, thereby impacting annual debt service costs. Significantly, the \$1.25M requested for a feasibility study for sewer separation of Lawson Run is now estimated at \$75,000. It is unclear how the AOC requirements for the studies can be completed for a mere 6% of the initial estimate developed only months earlier.
5. The City continues to provide no cost for future phases of work, yet requests Council decision making. It is unclear whether total LTCP program costs will in fact be less than the program submitted by the City and approved by USEPA in 2010. I do understand that we are not pursuing the City to provide Phase II cost estimates. I know what Barbara and Gary think on this matter. But the rate payers are entitled to know what they be paying to take care of their of their sanitary waste water from their homes. Each personnel who submitted their feedback via public comment wants to know this aspect. If you take an example of MSD, they have provided some cost estimates with a reopening clause. Strand in their July 2009 submission estimated Lawson Run separation to cost upward of \$40 M plus or so. If we add MOM and other costs associated with the projects, the cost will be some where in this neighborhood of \$70 M.
6. The Financial analysis submitted to the EPA appears to totally misunderstand the intent of Financial Capability Analysis. A careful reading of EPA's Combined Sewer Overflows -- Guidance for Financial Capability Assessment and Schedule Development clearly states that this guidance is meant to be used for the CSO related matter. Though other water programs have used this guidance. SSO's are clearly illegal and must be corrected regardless of economic impact. Therefore, it is unclear why this document is prepared for the **Phase I projects**, since these projects are not really related to the **LTCP**, but rather to SSOs. Phase I projects can not be counted as part of LTCP expenditures for the Financial Capability Analysis in future phases. The cost estimates are based \$5M phase I costs and Phase II costs are unknown at this point. I hope City is not trying to avoid Phase II projects completely. In their 2009 analysis, Strand had claimed that the projects that will meet the CSO policy requirements are too expensive for the City and therefore outright rejected as untenable. We have made this point clear to the City. But on many occasions, it was presented to the City Council that once the Phase I projects are completed, City does not need to do anything further to meet EPA rules.

FACILITIES PLAN

1. The facilities Plan appears to be a compilation of data previously submitted and discussed with USEPA and OEPA. It provides no additional detail regarding costs and schedules and seem inconsistent with the current status of issues.
2. The Lawson Run CCTV Assessment and Feasibility Studies (Table 4.03-2) contain the same Scope of Work described in the WPCLF application and Public Hearing; however the cost has to be reduced by 94% (i.e., \$1.25 M to \$75,000).
3. As required, the comparison of the proposed four (4) alternatives – Section 5, should be evaluated using a Cost-Effective Analysis process which includes not only project costs but also a Present Worth Analysis of Operations, Maintenance and Replacement. Only a Present Worth Analysis can provide a fair comparison of Alternatives. WPCLF funding would normally be tried to the most cost effective alternative. No such analysis has been submitted.
4. The accuracy of 5.05 Recommendation is unclear and must be further documented.
5. The Financial Capability Analysis – Appendix B is a LTCP document unrelated to the SSO Program envisioned by this Facilities Plan. The information contained in Appendix B seems at variance with other information provided to City Council and in response to Public Comment, as follows:
 - The report indicates that a one-time 7.7% rate increase will be sufficient to cover the cost of increased debt service and other requirements of the AOC (See Section 4.01)
 - Additional debt service (approximately \$250,000/yr) represents about \$32/yr for each of your approximately 8,000 customers.
 - OM&R costs associated with the OAC appear to approach as much as \$450,000/yr, or approximately \$56 for each customer.
 - Cost of compliance with AOC provisions alone (prior to any LTCP improvements) appears to require a rate increase in excess of 20%.

Please provide documentation sufficient to support your representations of a 7.7% increase.

C. SUMMARY

1. It is difficult to reconcile the information contained in the Facilities Plan, Public Comment response and Update to Council. The facilities plan is for DEFA to review. But this plan does not meet the cut under the CWA requirements.
2. I have reviewed City's feed back to the public comments. It is certainly helpful but it lacks the full transparency on several matters. I am concerned about City's unwillingness to involve citizen's group to seek the feedback on the projects.
3. We all know and understand it, the ACO is not signed by the City yet, the City has not submitted the required reports. I am frustrated that we do not have any project that I think is shovel ready. I also know when the execution of the project begins, the costs are going to go up significantly because the basis provided by Strand appears to be based on their bidding of the projects at other sites. I think they should be instructed to use standard engineering practices and other cost indices to come up with the project estimates considering Portsmouth local conditions. It is like comparing a cost to rent the 3 bedroom apartment in downtown Chicago VS in Gary, IN or other small community far away from Chicago.
4. When the relocation of the sanitary sewer takes place, sanitary sewer connections (i.e., laterals) must be disconnected and reconnected with the new lines. This cost is not included in the cost estimate of the projects.
5. My honest opinion is to have Gary contact City's outside or John Haas, City solicitor indicating that the negotiations are at stands still and we are not getting any requested information from their representatives. So we have two options: i- provide the time frame of submitting the requested information or issue 308/309(a) action.
6. Mr. Sturgill's request for information request to Rick Duncan appears to be incomplete and not fully responsive to his concerns. Though this is an internal issue between the City Dept. and the Council. But Steve is the person who will move forward with approving the money for the projects. Unless he is willing to sign this on behalf of the Council, there is nothing on Mayor's desk to authorize the money for the Phase I work. A trip is very important to discuss this matter.

7. Jane Murray on the other hand continues to write for assistance from the elected officials. It is not an easy matter to stand before the elected official to present our position. It is lot of time that we can use to meet our pressing needs.

8. I shared my notes about this matter earlier. Please review it and let us discuss this matter tomorrow.

Thank you.

Sudhir Desai

Desai, Sudhir

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Sent: Tuesday, June 04, 2013 10:41 PM
To: sudhirvdesai@aol.com; Vantil, Barbara; Desai, Sudhir
Subject: Portsmouth, OH comment

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8. I shared my notes about this matter earlier. Please review it and let us discuss this matter tomorrow.

Thank you.

Sudhir Desai

Desai, Sudhir

From: Microsoft System Attendant on behalf of R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor
Sent: Wednesday, June 05, 2013 8:25 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH

Your request was accepted.

Sent by Microsoft Exchange Server 2013

Desai, Sudhir

From: rduncan1@falcon1.net
Sent: Wednesday, June 05, 2013 8:37 AM
To: Desai, Sudhir
Subject: RE: Video-Lawson Run

Good. I hope you don't have any trouble viewing it.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

----- Original message -----

>Date: Wed, 5 Jun 2013 13:02:59 +0000
>From: "Desai, Sudhir" <desai.sudhir@epa.gov>
>Subject: Video-Lawson Run
>To: "RDuncan1@falcon1.net" <RDuncan1@falcon1.net>

>

> Rick,

>

>

>

> Thank you for the video. I got it now.

>

>

>

>

>

> Sudhir

Water Division FOIA(s)

Tuesday, July 16, 2013

Front Office

NPDES Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
5/10/13	2013-005269	q. white	5/2013	Mclouth steel	On hold
5/17/13	2013-005497	i. davis	5/2013	Blending rule	On hold
				Enf provide input	
5/4/13	2013-006337	i.davis	8/29/13	CAFO workplan	
5/2/13	2013-006046	j. pellegrini	7/1/13	Peabody Midwest mining	
5/30/13	2013-006190	SY	6/10/13	Listing of all facilities	

Enforcement Branch

4/11/13	2013-005351	d. moore	5/2013	Heritage WTI	On hold
5/4/13	2013-006227	s. desai	6/6/13	City of portsmouth	
5/20/13	2013-006481	d. moore	6/17/13	General electric (NPDES provide input)	
5/20/13	2013-006177	d. moore	6/5/13	3700-3850 briarwood road, etc. (NPDES provide input)	
5/20/13	2013-006239	d. moore	6/14/13	Property bounded by Cuning road (NPDES provide input)	
5/28/13	2013-006694	d. moore	6/25/13	Exxon corp	
5/28/13	2013-006550	d. moore	6/25/13	Dauner haus apt.	
5/30/13	2013-006757	d. moore	6/17/13	464 center street	
6/4/13	2013-006928	d. moore	7/1/13	Advance waste service	

Groundwater/Drinkingwater Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
5/28/13	2013-006654	b. Spaulding	6/20/13	Mille lacs sole source aquifer	

UIC Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
5/30/13	2013-005814	v. robinson	7/23/13	UIC program	
5/10/13	2013-006340	j. wawczak	6/10/13	UIC permit	

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Water Quality Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
4/17/13	2013-005468	c. bauer	6/11/13	Chloride toxicity	
4/17/13	2013-005510	h. Wirick	5/2013	Mixing zones	On hold

Wetland/Watershed Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status
4/30/13	2013-005804	d. schulenberg	9/30/13	Osborne riverside commons	
5/20/13	2013-006392	w. melgin	6/17/13	Gary Chicago airport	

State & Tribal Branch

Date to Division	FOIA #	Assignee	Due Date	Subject	Status

Complex Track: Because of the large amount of responsive documents, due date is flexible

Desai, Sudhir

From: Jackson, Mery
Sent: Wednesday, June 05, 2013 10:12 AM
To: R5 WD Supervisors; Chico, Anita; Moore, Denise; Hardin, Fredia; Jamison, Tracy; Jones, Roslyn; Johnson, Joyce; Cannon, Kendall; Davis, Lillie
Cc: Bauer, Candice; Desai, Sudhir; Wawczak, Jeffrey; Yedavalli, Sreedeevi
Subject: FOIA(s) due June 5 through June 14, 2013 have been highlighted in Red
Attachments: FOIA(s) -June - 2013.docx

Mery Jackson
jackson.mery@epa.gov
312-886-3717

Desai, Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 05, 2013 10:37 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH

Desai, Sudhir

From: Prichard, Gary
Sent: Wednesday, June 05, 2013 11:10 AM
To: Desai, Sudhir
Subject: RE: meeting/Portsmouth, OH

I'll call you this afternoon, probably around 12:15.

From: Desai, Sudhir
Sent: Wednesday, June 05, 2013 10:38 AM
To: Prichard, Gary
Subject: meeting/Portsmouth, OH

Hi Gary,

Please call me when you get a chance and have about 5 min. of your time.

Sudhir

Desai, Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 05, 2013 12:37 PM
To: Prichard, Gary; Desai, Sudhir
Subject: Portsmouth

I may be a few minutes late to our 1:00. I have a webinar with HQ, and they've not started yet. You can either start without me, or we can talk at 1:30.

Desai, Sudhir

From: Prichard, Gary
Sent: Wednesday, June 05, 2013 1:04 PM
To: Vantil, Barbara; Desai, Sudhir
Subject: RE: Portsmouth

I am available until 2:00 at 630-545-1554

From: Vantil, Barbara
Sent: Wednesday, June 05, 2013 12:36 PM
To: Prichard, Gary; Desai, Sudhir
Subject: Portsmouth

I may be a few minutes late to our 1:00. I have a webinar with HQ, and they've not started yet. You can either start without me, or we can talk at 1:30.

Desai, Sudhir

From: Jackson, Mery
Sent: Thursday, June 06, 2013 10:03 AM
To: Desai, Sudhir; Vantil, Barbara
Cc: Maraldo, Dean; Moore, Denise
Subject: RE: 2013-006227 is due tomorrow - what is the status?

Sudhir - to protect the agency, we need that extension confirmed by the requester (in writing – email is fine) – this has always been standard procedure. Until that happens the due dates still stands at today.

From: Desai, Sudhir
Sent: Wednesday, June 05, 2013 4:00 PM
To: Vantil, Barbara
Cc: Maraldo, Dean; Jackson, Mery; Moore, Denise
Subject: RE: 2013-006227 is due tomorrow - what is the status?

Hi Barbara,

I talked to Steve Canter yesterday. He agreed with my request for an extension of time to respond to his FOIA request by two weeks. Since I am tied up with the Portsmouth matter, I have not gotten around to notify others. But I will do it before I go home. I am here for another 4 hours.

Thank you.

Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 05, 2013 3:45 PM
To: Desai, Sudhir
Cc: Maraldo, Dean; Jackson, Mery; Moore, Denise
Subject: 2013-006227 is due tomorrow - what is the status?

Sudhir – you told me that the FOIA requestor has agreed to extend this deadline. Did you get that in an email? Please send Steve Cantor a note to confirm. We need to finish this next week so that Gary has time to review the docs. Denise and Mery need proof of the extension.

Thanks - Barbara

From: Jackson, Mery
Sent: Wednesday, June 05, 2013 3:28 PM
To: Moore, Denise
Cc: Maraldo, Dean; Vantil, Barbara
Subject: 2013-006177 is due today - what is the status?

Mery Jackson
jackson.mery@epa.gov
312-886-3717

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:45 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:57 AM
To: Vantil, Barbara
Cc: Moore, Denise; Vantil, Barbara; Maraldo, Dean; Moore.Dennis@epa.gov
Subject: FW: 2013-006227/Portsmouth, OH

Hi Mery,

I sent the below information to the requester. Thursday, June 6, 2013 was my non paid off day. Sorry, not to send the email to confirm with Steve earlier. I was tied up on this case all day.

Thank you.

Sudhir Desai

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:44 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Microsoft Outlook
To: Moore.Dennis@epa.gov
Sent: Friday, June 07, 2013 10:57 AM
Subject: Undeliverable: FW: 2013-006227/Portsmouth, OH

Delivery has failed to these recipients or groups:

Moore.Dennis@epa.gov (Moore.Dennis@epa.gov)

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BN1PR09MB012.namprd09.prod.outlook.com

Moore.Dennis@epa.gov

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:

Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB012.namprd09.prod.outlook.com (10.255.201.148) with Microsoft SMTP
Server (TLS) id 15.0.698.13; Fri, 7 Jun 2013 15:56:59 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.3.171]) by
BN1PR09MB009.namprd09.prod.outlook.com ([169.254.3.171]) with mapi id
15.00.0698.010; Fri, 7 Jun 2013 15:56:59 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "Vantil, Barbara" <vantil.barbara@epa.gov>
CC: "Moore, Denise" <moore.denise@epa.gov>, "Vantil, Barbara"
<vantil.barbara@epa.gov>, "Maraldo, Dean" <Maraldo.Dean@epa.gov>,
"Moore.Dennis@epa.gov" <Moore.Dennis@epa.gov>
Subject: FW: 2013-006227/Portsmouth, OH
Thread-Topic: 2013-006227/Portsmouth, OH
Thread-Index: AQHOY5Xtv0iAXlppQU2pfw1m+Ti4WpkqZqRC
Date: Fri, 7 Jun 2013 15:56:59 +0000
Message-ID: <36535b96259643abbfa0b847f913dff9@BN1PR09MB009.namprd09.prod.outlook.com>
References: <5688c0d500004babb64c53aa090dfc71@BN1PR09MB009.namprd09.prod.outlook.com>
In-Reply-To: <5688c0d500004babb64c53aa090dfc71@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:

X-MS-TNEF-Correlator: <36535b96259643abbfa0b847f913dff9@BN1PR09MB009.namprd09.prod.outlook.com>

MIME-Version: 1.0

X-Originating-IP: [134.67.6.11]

Return-Path: desai.sudhir@epa.gov

X-Forefront-Antispam-Report:

SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-1;SRVR:BN1PR09MB012;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;

Desai, Sudhir

From: Vantil, Barbara
Sent: Friday, June 07, 2013 1:10 PM
To: Desai, Sudhir
Subject: RE: 2013-006227/Portsmouth, OH

Hi, Sudhir - you need to let Gary know we need him to go through our emails next week so we can get this FOIA out. When I'm in the office on Monday, I will print out any emails I have sent to the City, and you'll need to do so as well.

Barbara

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:56 AM
To: Vantil, Barbara
Cc: Moore, Denise; Vantil, Barbara; Maraldo, Dean; Moore.Dennis@epa.gov
Subject: FW: 2013-006227/Portsmouth, OH

Hi Mery,

I sent the below information to the requester. Thursday, June 6, 2013 was my non paid off day. Sorry, not to send the email to confirm with Steve earlier. I was tied up on this case all day.

Thank you.

Sudhir Desai

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:44 AM
To: SCANTER@ENVENG.COM
Cc: Desai, Sudhir
Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai
USEPA, Region 5
312/886-6704

Desai, Sudhir

From: Sudhir Desai [sudhirvdesai@aol.com]
Sent: Sunday, June 09, 2013 8:45 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: Portsmouth, OH public comment

Hi Barbara,

I prepared the below responses to the public comments provided by Teryn Carter and Jane Murray. Let us discuss my feed back between two of us and then with Gary Prichard.

Thank you.

Sudhir

Responses to comments by Teryn Carter

QUESTIONS REGARDING OEPA-WPCLF SUBMISSION INFORMATION

Question: How can the City purport to be seeing "Principle Forgiveness" when it does not meet the threshold requirements as defined by OEPA?

EPA Response: The City submitted nominations applications for the projects in questions requesting principal forgiveness, in accordance with the requirements of the Ohio Environmental Protection Agency (OEPA/Division of Environmental and Financial Assistance (DEFA). Nomination applications were submitted in November 2012. The "threshold requirements" were not established until March 25, 2013. However, it is important to note that during the conference calls with the DEFA, City, EPA and OEPA personnel, DEFA personnel made it clear that the City will not qualify for principal forgiveness under any circumstances.

Question: How can the City request a 30 year amortization for its WPCLF borrowing when the maximum term as defined by OEPA is 20 years?

EPA Response: Based on review of the DEFA web site, under DEFA rules, WPCLF loans are amortized over 20 year period. The City can request a different amortization period. However, by requesting the loan amortization period of 30 years, the City may be trying to show a lower debt service payment (i.e., the City may be trying to show lower monthly payments for a 30 year loan period verses 20 year loan period).

Question: The submission by the City to the WPCLF program request the borrowing of \$4.95M for so called Phase I projects. Based on WPCLF program request for borrowing of \$4.5 M for the so called Phase I projects. Based on the WPCLF loan terms (without "Principle Forgiveness"), what is the maximum annual Debt Service Payment for Phase I projects?

EPA Response: City claims that Phase I projects is expected to cost the City \$3.95M. City estimates that the annual Debt Service Payment at an interest rate of 2.94% for the 20 year amortization period is \$232,000.

QUESTIONS REGARDING THE DAO

Question: What are the potential sanctions/penalties associated with non-compliance with the DAO either with items or time schedule?

EPA Response: Issuance of the Administrative Order on Consent (ACO, you called it as DAO), shall not be deemed an election by the EPA to forgo any civil or criminal administrative or judicial action to seek civil penalties, or other appropriate relief (including injunctive relief) under the Clean Water Act for the violations set forth in the Findings section of the ACO or future violations that the City might commit.

Question: What are the anticipated costs associated with development of the required MOM and the implementation of the MOM elements.

EPA Response: City estimates that the cost to develop the MOM by an outside consultant is estimated to be \$20,000. The cost to implement the MOM is dependent upon the amount of work the City may be required under the MOM and who will perform that work (such as an outside consultant or City forces). The City has not prepared the MOM yet. The Agency will be more than happy to share this information when it is available. The City is required to submit this information within 180 calendar days from signing the ACO.

Question: Do the commitments identified in the current DAO end the City's requirements for further Long Term Control Plan (LTCP) and or CSO elimination?

EPA Response: The City's commitment does not end at the completion of Phase I projects. The City will move to Phase II projects. Once the Phase I projects are completed, the EPA will review the results of Phase I projects and then decide what Phase II projects should be initiated. The City will then develop the LTCP/Phase II projects for the EPA approval to address CSO and other issues.

Question: What is the current status of an approvable LTCP for the City of Portsmouth?

EPA Response: The Agency is working with the City to address significantly important environmental issues, such as discharges of raw sanitary sewers, among others. The City and the EPA have developed the Phase I projects that will address more serious environmental issues under this Phase I program. The Phase I projects and associated negotiations should not be construed to be a final EPA approved LTCP.

Question: Is there a specific federal threshold (2% of Mean Household Income (MHI)) above which the City will not be required to comply with LTCP/CSO elimination implementation?

EPA Response: Improvements which could result in a residential indicator in excess of 2% would constitute a "high burden" on the rate payers and or the community. The high burden is often considered as a justification for seeking extended compliance schedules. EPA in this case may decide to provide extension of time to complete the projects identified under Phase II. The Agency will not grant any waiver to meet CSO requirements and or its permit conditions because community's MHI is over 2%.

QUESTIONS REGARDING PUBLIC MEETING PRESENTATIONS

Question: The presentation left the clear impression that the commitments made by execution of the DEO were only targets subject to "fairly simple" adjustment. Is this the position of the EPA?

EPA Response: The presentation made it clear what Phase I projects the City is committing to complete in accordance with the schedules identified in the ACO. The ACO carries full force and effect of the Clean Water Act requirements and the ACO. Issuance of the Administrative Order on Consent (ACO, you called it as DAO), shall not be deemed an election by the EPA to forgo any civil or criminal administrative or judicial action to seek civil penalties, or other appropriate relief (including injunctive relief) under the Clean Water Act for the violations set forth in the Findings section of the ACO or future violations that the City might commit.

Question: The presentation represented that the work completed towards the satisfaction of the DAO is new LTCP. Is this the position of the EPA?

EPA Response: The presentation was never intended to suggest that the commitments made by the City to complete Phase I projects constitute a new LTCP or a modification of 2010 LTCP submittal.

Question: The presentation represented that the "308" request initiated by USEPA is "fairly routine" practice of major significance. Is this a factual characterization of the document?

EPA Response: The Agency initiated 308 Information Request in response to City's submission of the LTCP on or about July 1, 2009 for the Agency's review and approval. This LTCP submitted by the City did not contain all the required information to review and approve their 2009 LTCP submission. The LTCP, as submitted, was technically deficient. This is not a fairly routine practice. It is a serious matter.

Question: The presentation left the clear impression that the City's obligation to USEPA for LTCP/CSO elimination is limited to expenses up to those fundable by sewer rates of 2% of the MHIs this the position of the USEPA?

EPA Response: Improvements which could result in a residential indicator in excess of 2% would constitute a "high burden" on the rate payers and or the community. The high burden is often considered as a justification for seeking extended compliance schedules. EPA in this case may decide to provide extension of time to complete the projects identified under Phase II. The Agency will not grant any waiver to meet CSO requirements and or its permit conditions because community's MHI is over 2%.

Question: The presentation indicated that the immediate focus of CSO #2 (rather than smaller upstream CSO projects which could reduce the problem at CSO #2) is a focus being required by EPA. Is it true?

EPA Response: The City has secured funding to study options to perform the combined sewer system feasibility study of their sewer system. Since this is the largest CSO in their collection system, the City is looking at the options to eliminate this CSO along with other available options. However, the Agency has not received any substantive information so as to go along with this approach at this time. The approach mentioned by you needs some consideration too because your approach is addressing the flows at the front end of the sewer system rather than at the tail end of their combined sewer system. The Agency decide when technical information is available and is reviewed.

Question: The presentation described the potential projects to separate all 33 sanitary sewer connections from the Lawson Runs Storm Water as a "fairly affordable Project". Has the City provided any documents estimating this "fairly affordable" project?

EPA Response: The City has provided the letter sent to the citizens to disconnect downspout connections. The Agency is awaiting a written response from the City. The Agency is waiting for reports due on April 1, 2013 (verification of downspout disconnection); June 1, 2013 (letters issued to property owners who have not completed downspout disconnection) and a written report within 30 days of completion of the above milestones of the proposed ACO.

RESPONSES TO JANE MURRAY'S QUESTIONS

Question: The USEPA approved a Long Term Control Plan (LTCP) in April 2011. By now the first phase that protects homes from the sewage backups in the Grandview Avenue area could have been built at a cost half of the Phase I Projects discussed in the AOC.

EPA Response: There are merits to your comments. The Agency cannot dictate on type of the projects the City should initiate to meet its obligations under the Clean Water Act requirements. The current administration with the help of their consultant decided to implement Phase I projects with the Agency's concurrence. Since the Agency does not have **all** the needed technical information from the City about Phase I projects, it is very difficult to provide value added comments to the proposed Phase I projects compared with your projects. We are anticipating technical information related to the Phase I projects pursuant to the schedule agreed by the City and the EPA.

The Agency is working with the City to address significantly important environmental issues, such as discharges of raw sanitary sewers, among others. The City and the EPA have developed the Phase I projects that will address more serious environmental issues under this Phase I program.

Question: In my opinion, the USEPA should have rejected the new administration's request to revisit the plan and instead required the City to begin the approved plan's immediate implementation. This is especially true given the fact Rick Duncan hired Strand Associates to provide the EPA requested updates in 2008, spent more than \$100,000 and yet that plan was not approved by the Agency. Now, all the AOC provides again Rick Duncan and Strand are Phase I projects about which the public has very little understanding of how they address the problems and who pays.

EPA Response: The Agency is working with the City to address significantly important environmental issues, such as discharges of raw sanitary sewers, among others. The City and the EPA have developed the Phase I projects that will address more serious environmental issues under this Phase I program. The costs associated with the Phase II is not yet determined. However, City's consultant in their July 1, 2009 LTCP submission identified three separate projects namely Upper Lawson Run Sewer Separation (cost-\$40.5m to \$54M), Store/pump/convey storm water to Scioto Rive(cost \$17M to 452.7m) and tunnel to Scioto River (\$21M to \$28.6M)) to address surcharging of the Lawson Run Sewer and per their report each method identified above appeared to be prohibitively expensive and were rejected. The Agency has not received all the technical support documents so as to determine how soon the projects can become shovel ready.

Question: The October 1, 2010 updates, provided in response to to Section 308 letter I received as Mayor during my first week in office, were done for \$15,000, submitted on time and approved by the Agency.

EPA Response: The response provided by the City's consultant was timely and fully responsive to the 308 Information Request.

Question: In the interim two years since the LTCP as approved, tens of millions of gallons of raw sewage have unnecessarily gone into Scioto and Ohio Rivers and residents have had no real assurance of not having back ups into their homes.

EPA Response: I concur with you that millions of gallons of untreated sewage had gone into the Ohio and Scioto Rivers within last two years. The progress of negotiating the Phase I projects has been painfully slow. However, downspout disconnection program may have **some** impact on this matter. The Agency is awaiting information from the City to determine its impact which was due on June 1, 2013.

Question: In fact, in July 2011 a small amount backed up into several homes on Grandview Avenue as reported to and mentioned by the City at the public hearing. All that has been protecting the residents is the USEPA'S 2008 directive ordering plant operators to lower their weir gates during rain events and snow melt events. Operators can err and disturbingly, there is only one on duty overnight at the waste water treatment plant.

EPA Response: The City has determined that events such the July 2011 basement back ups on Grandview Avenue are caused by downspout conveying excessive storm water flows into the Redwood Alley sewer west of Grandview Avenue, rather than operation of the weir gates at the waste water treatment plant. However, it is important to note that operation of the weir gates may have impact on the basement flooding based on analysis by the EPA personnel. The results speaks for itself.

Question: The request to present alternatives to the approved LTCP was in my opinion merely a political move by Rick Duncan and the current administration to undo everything my administration accomplished on both waste water and flood defense. Public funds (in limited supply)) were needlessly spent in the process.

EPA Response: Due to priority consideration given to the discharges of untreated sewage into the Scioto and Ohio Rivers and Agency's priority considerations, it was decided to negotiate Phase I projects with the City. The Agency respectfully would like to decline political aspect, raised by you, of this matter because this is beyond the scope of this public comment on the LTCP and Phase I projects. Though Ms. VanTil assured me personally in a meeting in early December 2011, that she and the Agency would quickly to provide concrete measures to protect our homes and the environment, (I told her my neighbors were waiting for my report about our meeting) there appears to have been no real reason for the delays. By going along with Mr. Duncan's request to set aside the approved plan, Ms. VanTil (and VanTil acted on behalf of) the USEPA unnecessarily harmed the citizens and the environment.

EPA Response: Ms. VanTil used her professional judgment to arrive at this conclusion and during the entire process has consulted with the team members to seek and build consensus. Though it is accurate to say that negotiations of the ACO has taken more than we had anticipated due to complexities of the issues, among other things.

Question: I oppose any more studies on the feasibility of sewer separation as provided in the AOC. Mr. Duncan proposes another \$1.25M for such study. The City has already spent over \$1M for 3 engineering studies that addressed sewer separation. All the three studies state that sewer separation state that sewer separation will reduce the CSOs to zero but that cost is prohibitive.

EPA Response: The City has spent significant amount of its resources to address the CSOs and other EPA related matters to comply with the requirements of the Clean Water Act. EPA continues to recommend the City to use current and available data to decide on the options to control CSO discharges. It is unclear how the feasibility study costs was reduced so significantly.

Question: In the public presentation and statements on the record at the February 12, 2013 public hearing, Mr. Duncan continued to state the sewage back ups into the residences in the Grandview Avenue area where the direct result of 63 homes with downspouts going into the Redwood Alley sewer. He stated that the SOMC and Hillview sewage did not go into the redwood alley sewer, implying that these two major developments were somehow not contributors to the problems of the back ups. While technically correct that their sewers does not go into the particular sewer line, in fact, the massive amounts of storm water from these institutions go into the combined sewers. Historical documents from the OEPA and others acknowledge that the uncontrolled development in the residential neighborhood is the major source of CSO problems on Grandview, Shawnee, Coles, Dorman, 25 th and Other streets downhill from these enormous developments that continued to build through the 2000 and since. The 2008 massive back ups involved a mere 1.75 inch of rain.

EPA Response: A 2012 report prepared by the City's consultant stated that 63 homes had downspouts or other storm water connections that introduced storm water into the Redwood Alley sewer, west of Grandview Avenue. This storm water causes basement flooding in some homes connected to the Redwood Alley sewer. SOMC campuses have underground storm water detention structures and Hillview has a pond with the restricted outlet to which all of the facility's run off is directed. The downspout disconnection program certainly will help reduce surcharge on the Lawson Run sewer. However, there are other contributing factors that can aggravate the current situation. The City's contractor was instructed to look at the downspout disconnection program only and its impact on the Lawson Run sewer and not to perform the root cause analysis for this problem.

Question: In April 2010, my administration became aware of the sewage back ups into select homes on Shawnee Road and 25 the Street during totally dry, sunny weather. A property owner (in her 70s with her mother in her 90s in residence) told me that it had happened on numerous occasions in recent years. The cause of was from solid waste flushed into the sewer system at the hospital just west and uphill from the affected homes. City sewer maintenance personnel had pulled out enormous amounts of paper towels, hospital gowns,, surgical masks, syringes, etc. over a long period of times. I called in the OEPA . I also informed Mr. Sudhir Desai of the USEPA . Through investigation, it was determined that , in fact, this was the cause and City officials had knowledge of it over 10 years. But nothing had been done to protect the public. I was told by the head of the sewer maintenance that problem had gotten much worse after the most recent expansions at the hospital. He told me that SSOs had also resulted on numerous occasions. The most reasonable option was to require the hospital to do everything it could to avert the flushing of solid waste into sewers and to install grinders to grind up the materials getting into the sanitary sewers. This was the best of least desirable options Mr. Duncan would have known this but took no action during his tenure to protect the public. His inaction is reprehensible and a clear indication of his total lack of concern for the public. As with the other residents sickened by the repeated back ups in their homes, the woman in her late 70s mentioned above died of cancer and her 90+ mother was put in a nursing home.

EPA Response: The City sewer personnel and its supervisor had discussed this matter extensively with me in the past. As a result of this discussion, the hospital agreed to install the sewage grinders. The City crew had verified effectiveness of these grinders and were happy with their performance. It is unfortunate that the above problem had gone unnoticed for a long time. It is surprising that it took such a long time for the City to identify this problem. It is sad to learn about the adverse impact on the two women. They can pursue their own options to seek the relief.

Question: It is also my opinion that Mr. Duncan wasted public funds and did not protect the public in 2009 update the commissioned. I refer to:

a) Question: EPA finding in 2009 that the update submitted by the City did not provide the information the Agency required to approve a LTCP.

EPA Response: The Agency reviewed the LTCP submitted by its consultant (Strand). The LTCP, as submitted, did not contain the needed information to review and approve the LTCP. After the repeated request to the City to provide the needed information, the Agency and its management concluded that the LTCP as submitted was technically deficient and that resulted in issuing 308 Information Request.

.b) Question: The specific language inserted at Mr. Duncan's request on the last page of the the attached PDF (titled Strand LTCP Services 2008-2009) is political in nature rather than technical. Mr. Hiller referred to by Mr. Duncan, was a City attorney in the lawsuit foled against the City including the one styled Jane Murray et.al. I was running for Mayor against Mr. Duncan's boss, sitting mayor Jim Kalb. Such language has no place in a LTCP and was also inaccurate.

EPA Response: EPA has no comment on this matter at this time.

c. Question: The direction Mr. Duncan gave Strand during the 2009 updates centered chiefly on making the argument that the City and its residents are poor and therefore nothing was affordable; an argument that has no basis in meeting in meeting the standard of the Clean Water Act. Further, he directed that Strand provide a basement protection plan for just 10 homes. There were more homes that in my block alone that had sewage back ups in 2008. All parties were made aware of this at that meeting.

EPA Response: Mr. Duncan did raise the issue related to the low income of its residents and therefore, the City cannot move forward with the projects. In their submission of its LTCP in July 1, 2009, it made it clear that the cost is prohibitive to initiate the CSO abatement projects identified by its consultants. This issue had been discussed on many occasions with the Agency by Mr. Duncan. The Agency had provided a clear cut interpretation of this issue each time.

Question: Now Rick Duncan and Strand Associates proposes to spend \$1.25M for more studies on sewer separation, an alternative ruled out by Mr. Duncan and Strand. In the 2009 LTCP UPDATE.

EPA Response: In subsequent discussion, the City has told the EPA that the feasibility of sewer separation study will cost \$75,000 instead of \$1.25M. The City has not shared any justification for such drastic reduction in costs. However, citizens shown their disappointment with City's rationale for spending this huge amount of its resources when most of the information is available in their archives.

Question: The February 12, 2013 public meeting was not geared towards information to and questions from the audience. While it was slated for two hours, Mr. Duncan was allowed by the Agency to drone on for 70 min. There was no real discussion and thus, the public had no idea what questions to ask nor could the few questions asked lead to further discussion or understanding. Questions were cut short to give time to speak publicly on record.

EPA Response: The Agency sought assistance from the OEPA 's office of public affairs who had extensive experience in running such meetings and hearings. This is the format that is being used State wide. As a result, the EPA agreed to such format for the public hearing. Mr. Duncan was allowed this time so as to familiarize the citizens with the history of the development of the ACO and the LTCP. The Agency has provided other forum to seek public comments, such as through the dedicated web site. The comment period extended by 60 more days in response to the request from the City Council's president.

Question: Mr. Duncan continues to scare residents by saying that 95% of the cost will be paid by residential users, and he again states that in the project applications referred to and part of the AOC. My fear is that that he and the current city government officials will do just that. The USEPA does not control how the community pays for its plans to address CSOs but it should do everything in its power to recommend and suggest that the City of Portsmouth implement a storm water fee (now) based on impervious surface. This is done across the country and has already been tested in the Courts. This is the only fair way to pay for the implementation of the City's LTCP.

EPA Response: The Agency will do its best to help citizen's of Portsmouth. City's own storm water ordinance requires the action suggested by you. The City has expressed its willingness to enforce its own ordinance.

Steve Sturgill's comment: He would like to have all the information related to the projects for which he is binding the City to commit the projects.

EPA Comment: Mr. Duncan has provided some information responsive to Steve Sturgill's request. However, the information provided is not complete and responsive to his request.

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 10, 2013 8:19 AM
To: Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: 2013-006227/Portsmouth, OH

Importance: High

Hi, Sudhir - please provide me and Gary a copy of the FOIA request first thing this morning.

Thanks - Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Friday, June 07, 2013 2:10 PM
To: Vantil, Barbara
Subject: RE: 2013-006227/Portsmouth, OH

Hi Barbara,

I am coming to the office on Monday. I have finished printing about 95% of them.

Thank you.

From: Vantil, Barbara
Sent: Friday, June 07, 2013 1:09 PM
To: Desai, Sudhir
Subject: RE: 2013-006227/Portsmouth, OH

Hi, Sudhir - you need to let Gary know we need him to go through our emails next week so we can get this FOIA out. When I'm in the office on Monday, I will print out any emails I have sent to the City, and you'll need to do so as well.

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From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:56 AM
To: Vantil, Barbara
Cc: Moore, Denise; Vantil, Barbara; Maraldo, Dean; Moore.Dennis@epa.gov
Subject: FW: 2013-006227/Portsmouth, OH

Hi Mery,

I sent the below information to the requester. Thursday, June 6, 2013 was my non paid off day. Sorry, not to send the email to confirm with Steve earlier. I was tied up on this case all day.

Thank you.

Sudhir Desai

From: Desai, Sudhir
Sent: Friday, June 07, 2013 10:44 AM

To: SCANTER@ENVENG.COM

Cc: Desai, Sudhir

Subject: : 2013-006227/Portsmouth, OH

Hi Steve,

I will appreciate if you can confirm our discussion regarding you agreeing to my request for an extension of time to respond to your subject FOIA request from Thursday, June, 6, 2013 to June 20, 2013. I discussed this matter with you on June 4, 2013. Sorry I could not write to you earlier about this matter.

Thank you.

Sudhir Desai

USEPA, Region 5

312/886-6704

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 8:53 AM
To: Foster, Scott
Cc: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Scott,

I have been trying to reach you for the past week. Sorry, we keep on missing. Here is the request from Jane Murray that I received. I would like to respond to her questions. Generally, Duncan send the report to OEPA per their permit requirements.

I will appreciate if you can get the details about number of SSOs reported by the City IN cy 2011, 2012 and May 2013 asap.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [<mailto:mjanemurray@yahoo.com>]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run . I've read permit compliance inspection reports by OH EPA

staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinriverscity.blogspot.com/>

Desai, Sudhir

From: Desai, Sudhir
Sent: Monday, June 10, 2013 8:53 AM
To: Foster, Scott
Cc: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

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312/886-6704

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Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

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Sent: Monday, June 10, 2013 9:17 AM
To: Desai, Sudhir
Subject: Automatic reply: Enforcement of CWA re SSOs at Munn's Run

I will be out of the office the week of June 10 (including furlough day on June 13). I will return to the office on Monday, June 17.

Thanks,
Dean

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State of Ohio Environmental Protection Agency

Ohio EPA Form 4237
Issued 08/04

Sanitary Sewer Overflow 5-Day Follow Up Report

Report Submitted by:	
Date	01/29/13
Facility Name	Portsmouth WWTP
Ohio NPDES Permit No.	OPD00013*LD
Period Covered by Report	1/28/13 @ 1:30pm to 1/29/13 @ 3:00am
Contact Person Name	Richard Duncan
Contact Person Title	Director
Mailing Address	2040 Charles Street
City, State, Zip	Portsmouth, Ohio 45662
County	Scioto
Telephone No.	740-353-0241
E-mail Address	

Signature required at end of form

Overflow Information	
Event start date and time -- if multiple locations, include information for each	1/28/13 @ 1:30pm
Event end date and time	1//29?13 @ 3:00am
Location(s) the SSO -- include unique ID number if one exists	
Destination(s) of overflow	<input type="checkbox"/> Basement or building <input type="checkbox"/> Ground <input type="checkbox"/> Storm sewer to receiving water <input checked="" type="checkbox"/> Directly to receiving water
Specific receiving water(s) (if applicable)	Munn's Run Creek- Ohio River
Estimated volume (million gallons) -- if multiple locations, include volume for each	
Sewer system component(s) from which release occurred	<input type="checkbox"/> Manhole <input checked="" type="checkbox"/> Constructed overflow <input type="checkbox"/> Pipe crack <input type="checkbox"/> Pump station <input type="checkbox"/> Other (explain)
Cause(s) of overflow	<input checked="" type="checkbox"/> Extreme weather <input type="checkbox"/> Equipment failure <input type="checkbox"/> Power failure <input type="checkbox"/> Debris in line <input type="checkbox"/> Roots <input type="checkbox"/> Grease <input type="checkbox"/> Other blockages <input type="checkbox"/> Line deterioration <input type="checkbox"/> Vandalism <input type="checkbox"/> Other (explain)

Steps taken or planned to eliminate and/or reduce the overflow – include schedule of major milestones	<p>1. Phase One of a manhole/sewer rehabilitation project for the North Moreland/Munn's Run sewer was completed in December 2009. (A \$90,000 project to re-build 30-some manholes to eliminate I&I.)</p> <p>2. Phase Two of the project will be significantly larger to re-build remaining manholes and reline/replace extensive sections of the existing sewer. Construction is expected to begin later this year, with project completion by 2013. This will eliminate and/or reduce overflow.</p>
Steps taken or planned to prevent reoccurrence of the overflow(s) – include schedule of major milestones	
Steps taken or planned to mitigate the impact(s) of the overflow(s) – include schedule of major milestones	
Additional information (attach additional pages, maps, etc. as needed)	

I CERTIFY THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION IN THIS REPORT AND ALL ATTACHMENTS. I BELIEVE THAT THE INFORMATION IS TRUE, ACCURATE, AND COMPLETE.

Signature

Date

Richard Duncan, Director

Title

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Cc: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Scott,

I have been trying to reach you for the past week. Sorry, we keep on missing. Here is the request from Jane Murray that I received. I would like to respond to her questions. Generally, Duncan send the report to OEPA per their permit requirements.

I will appreciate if you can get the details about number of SSOs reported by the City IN cy 2011, 2012 and May 2013 asap.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Tuesday, June 04, 2013 8:20 AM
To: Desai, Sudhir
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

From: Maraldo, Dean
Sent: Monday, June 03, 2013 8:27 AM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Enforcement of CWA re SSOs at Munn's Run

I know that Ms. Murray has been sending numerous emails over the past few weeks. Should we provide a reply, something along the lines of..this is an enforcement matter and we will consider your comments as we proceed with the case.

From: Jane Murray [mailto:mjanemurray@yahoo.com]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows;

Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill

Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

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2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerighthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Monday, June 10, 2013 9:50 AM
To: Desai, Sudhir
Subject: RE: Enforcement of CWA re SSOs at Munn's Run
Attachments: munns run 2113-21713.pdf; munns run 6613.pdf; munns run 11313-12113.pdf; munns run 12813-12913.pdf; Munns Run 13013.docx; munns run 21813-22013.pdf; munns run 21813-22013.pdf; munns run 22213-22513.pdf; munns run 22613-5313.pdf

Here is 2013 to date. Looks like 10 events but they cover multiple days.

From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]
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Jane

M. Jane Murray

<http://wegottroublerightthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Microsoft Outlook
To: witte.jennifer@epa.state.oh.us
Sent: Monday, June 10, 2013 9:59 AM
Subject: Undeliverable: Portsmouth, OH ACO

Delivery has failed to these recipients or groups:

witte.jennifer@epa.state.oh.us (witte.jennifer@epa.state.oh.us)

A communication failure occurred during the delivery of this message. Please to resend the message later. If the problem continues, contact your helpdesk.

The following organization rejected your message: CO9EHSMHS010.bigfish.com.

Diagnostic information for administrators:

Generating server: usepa.onmicrosoft.com

witte.jennifer@epa.state.oh.us

CO9EHSMHS010.bigfish.com #550 5.4.1 witte.jennifer@epa.state.oh.us: Recipient address rejected: Access Denied ##

Original message headers:

Received: from BN1PR09MB026.namprd09.prod.outlook.com (10.255.201.144) by
BL2PRD0910HT002.namprd09.prod.outlook.com (10.255.111.37) with Microsoft SMTP
Server (TLS) id 14.16.311.1; Mon, 10 Jun 2013 14:58:55 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB026.namprd09.prod.outlook.com (10.255.201.144) with Microsoft SMTP
Server (TLS) id 15.0.698.13; Mon, 10 Jun 2013 14:58:53 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) by
BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) with mapi id
15.00.0702.005; Mon, 10 Jun 2013 14:58:53 +0000
From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "Foster, Scott" <scott.foster@epa.state.oh.us>,
"witte.jennifer@epa.state.oh.us" <witte.jennifer@epa.state.oh.us>, "Vantil,
Barbara" <vantil.barbara@epa.gov>
Subject: Portsmouth, OH ACO
Thread-Topic: Portsmouth, OH ACO
Thread-Index: Ac5l6wU9UUNBzP7RSm281LBtL86zig==
Date: Mon, 10 Jun 2013 14:58:53 +0000
Message-ID: <c9118eaf7d154d2ba170522401742270@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [134.67.6.11]

x-forefront-antispam-report: SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-
1;SRVR:BN1PR09MB026;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;
Content-Type: multipart/alternative;
 boundary="_000_c9118eaf7d154d2ba170522401742270BN1PR09MB009namprd09pro_"
MIME-Version: 1.0
Return-Path: desai.sudhir@epa.gov
X-OriginatorOrg: epa.gov

Desai, Sudhir

From: Microsoft Outlook
To: witte.jennifer@epa.state.oh.us
Sent: Monday, June 10, 2013 10:00 AM
Subject: Undeliverable: Portsmouth, OH ACO

Delivery has failed to these recipients or groups:

witte.jennifer@epa.state.oh.us (witte.jennifer@epa.state.oh.us)

A communication failure occurred during the delivery of this message. Please to resend the message later. If the problem continues, contact your helpdesk.

The following organization rejected your message: CO9EHSMHS012.bigfish.com.

Diagnostic Information for administrators:

Generating server: usepa.onmicrosoft.com

witte.jennifer@epa.state.oh.us

CO9EHSMHS012.bigfish.com #550 5.4.1 witte.jennifer@epa.state.oh.us: Recipient address rejected: Access Denied ##

Original message headers:

Received: from BN1PR09MB011.namprd09.prod.outlook.com (10.255.201.147) by
BL2PRD0910HT002.namprd09.prod.outlook.com (10.255.111.37) with Microsoft SMTP
Server (TLS) id 14.16.311.1; Mon, 10 Jun 2013 14:59:33 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB011.namprd09.prod.outlook.com (10.255.201.147) with Microsoft SMTP
Server (TLS) id 15.0.702.21; Mon, 10 Jun 2013 14:59:32 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) by
BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) with mapl id
15.00.0702.005; Mon, 10 Jun 2013 14:59:32 +0000
From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "Foster, Scott" <scott.foster@epa.state.oh.us>,
"witte.jennifer@epa.state.oh.us" <witte.jennifer@epa.state.oh.us>, "Vantil,
Barbara" <vantil.barbara@epa.gov>
Subject: Portsmouth, OH ACO
Thread-Topic: Portsmouth, OH ACO
Thread-Index: Ac5l6wUsUUNBzP7RSm281LBtL86zig==
Date: Mon, 10 Jun 2013 14:59:32 +0000
Message-ID: <fd19856445c84754aef4c95e07ffb89b@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [134.67.6.11]

x-forefront-antispam-report: SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-
1;SRVR:BN1PR09MB011;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;
Content-Type: multipart/alternative;
boundary="_000_fd19856445c84754aef4c95e07ffb89bBN1PR09MB009namprd09pro_"
MIME-Version: 1.0
Return-Path: desai.sudhir@epa.gov
X-OriginatorOrg: epa.gov

Desai, Sudhir

From: Microsoft System Attendant on behalf of R5Metcalf-ConfRm-R1517/R5-Metcalf---15th-Floor
Sent: Monday, June 10, 2013 10:05 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH ACO

Your request was accepted.

Sent by Microsoft Exchange Server 2013

Desai, Sudhir

From: Microsoft Outlook
To: witte.jennifer@epa.state.oh.us
Sent: Monday, June 10, 2013 10:05 AM
Subject: Undeliverable: Portsmouth, OH ACO

Delivery has failed to these recipients or groups:

witte.jennifer@epa.state.oh.us (witte.jennifer@epa.state.oh.us)

A communication failure occurred during the delivery of this message. Please to resend the message later. If the problem continues, contact your helpdesk.

The following organization rejected your message: DB8EHSMHS008.bigfish.com.

Diagnostic information for administrators:

Generating server: usepa.onmicrosoft.com

witte.jennifer@epa.state.oh.us

DB8EHSMHS008.bigfish.com #550 5.4.1 witte.jennifer@epa.state.oh.us: Recipient address rejected: Access Denied ##

Original message headers:

Received: from BN1PR09MB011.namprd09.prod.outlook.com (10.255.201.147) by
BL2PRD0910HT003.namprd09.prod.outlook.com (10.255.111.38) with Microsoft SMTP
Server (TLS) id 14.16.311.1; Mon, 10 Jun 2013 15:04:33 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB011.namprd09.prod.outlook.com (10.255.201.147) with Microsoft SMTP
Server (TLS) id 15.0.702.21; Mon, 10 Jun 2013 15:04:32 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) by
BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) with mapl id
15.00.0702.005; Mon, 10 Jun 2013 15:04:32 +0000
From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "Foster, Scott" <scott.foster@epa.state.oh.us>,
"witte.jennifer@epa.state.oh.us" <witte.jennifer@epa.state.oh.us>, "Vantil,
Barbara" <vantil.barbara@epa.gov>
Subject: Portsmouth, OH ACO
Thread-Topic: Portsmouth, OH ACO
Thread-Index: Ac5l6wUsUUNBzP7RSm281LBtL86zig==
Date: Mon, 10 Jun 2013 15:04:31 +0000
Message-ID: <9ba8133071794010a851bfbd5887393c@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [134.67.6.11]

x-forefront-antispam-report: SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-
1;SRVR:BN1PR09MB011;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;
Content-Type: multipart/alternative;
boundary="_000_9ba8133071794010a851bfbd5887393cBN1PR09MB009namprd09pro_"
MIME-Version: 1.0
Return-Path: desai.sudhir@epa.gov
X-OriginatorOrg: epa.gov



Portsmouth, OH
ACO

Desai, Sudhir

From: Microsoft Outlook
To: witte.jennifer@epa.state.oh.us
Sent: Monday, June 10, 2013 10:07 AM
Subject: Undeliverable: Portsmouth, OH ACO

Delivery has failed to these recipients or groups:

witte.jennifer@epa.state.oh.us (witte.jennifer@epa.state.oh.us)

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The following organization rejected your message: DB8EHSMHS016.bigfish.com.

Diagnostic information for administrators:

Generating server: usepa.onmicrosoft.com

witte.jennifer@epa.state.oh.us

DB8EHSMHS016.bigfish.com #550 5.4.1 witte.jennifer@epa.state.oh.us: Recipient address rejected: Access Denied ##

Original message headers:

Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BL2PRD0910HT003.namprd09.prod.outlook.com (10.255.111.38) with Microsoft SMTP
Server (TLS) id 14.16.311.1; Mon, 10 Jun 2013 15:06:39 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) with Microsoft SMTP
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From: "Desai, Sudhir" <desai.sudhir@epa.gov>
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"witte.jennifer@epa.state.oh.us" <witte.jennifer@epa.state.oh.us>, "Vantil,
Barbara" <vantil.barbara@epa.gov>
Subject: Portsmouth, OH ACO
Thread-Topic: Portsmouth, OH ACO
Thread-Index: Ac5l6wUsUUNBzP7RSm281LBtL86zig==
Date: Mon, 10 Jun 2013 15:06:36 +0000
Message-ID: <bcc68822d8d7491bacc505269356accd@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [134.67.6.11]

x-forefront-antispam-report: SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-
1;SRVR:BN1PR09MB009;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;
Content-Type: multipart/alternative;
boundary="_000_bcc68822d8d7491bacc505269356accdBN1PR09MB009namprd09pro_"
MIME-Version: 1.0
Return-Path: desai.sudhir@epa.gov
X-OriginatorOrg: epa.gov

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 10, 2013 10:14 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH ACO

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 10, 2013 10:14 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH Conference call/ACO

Desai, Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Monday, June 10, 2013 11:01 AM
To: Desai, Sudhir
Subject: Accepted: Portsmouth, OH ACO

Desai, Sudhir

From: Jane Murray [mjanemurray@yahoo.com]
Sent: Monday, June 10, 2013 12:18 PM
To: Desai, Sudhir
Cc: Maraldo, Dean; Vantil, Barbara; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Steve Sturgill; Rich Saddler; Larry Essman; Bob Forrey
Subject: Re: Enforcement of CWA re SSOs at Munn's Run

Thank you, Sudhir. I appreciate it.

Jane

M. Jane Murray

From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "mjanemurray@yahoo.com" <mjanemurray@yahoo.com>
Cc: "Maraldo, Dean" <Maraldo.Dean@epa.gov>; "Vantil, Barbara" <vantil.barbara@epa.gov>; "Desai, Sudhir" <desai.sudhir@epa.gov>
Sent: Monday, June 10, 2013 10:17 AM
Subject: FW: Enforcement of CWA re SSOs at Munn's Run

Hi Jane,

Thank you for your inquiry regarding SSO violations at Munn's Run. The City is required to report the Sanitary Sewer Overflows (SSOs) under their NPDES Permit to the OEPA. I have requested Mr. Scott Foster of the OEPA to provide the information you requested related to the Munn's Run SSOs asap. Once I receive the requested information from the OEPA, I will provide information requested by you.

Thank you for your understanding.

Sudhir Desai
Environmental Engineer
USEPA, Region 5/WECA/wc-15J
Telephone Number: 312/886-6704
FAX Number: 312/692-2981

From: Jane Murray [mailto:mjanemurray@yahoo.com]
Sent: Monday, June 03, 2013 8:18 AM
To: Maraldo, Dean; Prichard, Gary
Cc: Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barenbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill
Subject: Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run. I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

M. Jane Murray

<http://wegottroublerightthereinrivercity.blogspot.com/>

Desai, Sudhir

From: Foster, Scott [scott.foster@epa.state.oh.us]
Sent: Monday, June 10, 2013 12:17 PM
To: Desai, Sudhir
Subject: FW: 24 hr SSO report for Munns Run 6/10/13
Attachments: 24-hour_reporting_Form4498_bypasses[1].docx

Here's a new one. Just got it.

From: Tommy Stewart [mailto:tomtom45682@yahoo.com]
Sent: Monday, June 10, 2013 1:10 PM
To: Foster, Scott
Subject: 24 hr SSO report for Munns Run 6/10/13

Scott,

The Munns Run Pump Station started by-passing @ 8:33am on 6/10/13. We had recieved .70" of rain at the time of the SSO. If you have any questions or comments, feel free to contact us at 740-353-0241.

Thanks,

Tommy Stewart



Division of Surface Water
Non-compliance Notification for
Bypasses and Upsets

Use this form to report non-compliance that is the result of any **unanticipated bypass** or **upset** resulting in an exceedance of any **effluent limit** in your NPDES permit (see Part III, Section 12 of your NPDES permit for details). The form should be completed and emailed to the appropriate Ohio EPA inspector, or Ohio EPA office using one of the following addresses:

Southeast District Office:	sedo24hournpdes@epa.state.oh.us
Southwest District Office:	swdo24hournpdes@epa.state.oh.us
Northwest District Office:	nwdo24hournpdes@epa.state.oh.us
Northeast District Office:	nedo24hournpdes@epa.state.oh.us
Central District Office:	cdo24hournpdes@epa.state.oh.us
Central Office:	co24hournpdes@epa.state.oh.us

On a case-by-case basis it may be determined an environmental emergency exists. Report environmental emergencies within thirty (30) minutes of discovery to Ohio EPA 24-hours a day, 365 days a year at 800-282-9378!

Permittee Information	
Name of permittee:	City of Portsmouth
NPDES Permit number:	OPD00018*LD
Contact name for permittee:	Richard Duncan
Contact telephone number:	740-353-0241
Date and time of discharge	
Date and time(s) of discharge:	6/10/13 @ 8:33 am
Date and time discharge discovered:	6/10/13 @ 8:45 am
Description of discharge	
Approximate amount of discharge:	N/A
Characteristics of discharge:	
Stream(s) affected by discharge	
Provide the name of all streams affected by the discharge:	Munn's Run Creek & Ohio River
Circumstances that created the discharge	
Describe the circumstances that created the discharge:	.7" of rain at the Portsmouth WWTP
Contact person with knowledge of discharge (if different than above)	
Name:	Richard Duncan
Telephone number:	740-353-0241
Remedial steps	
Describe all remedial steps which are or will be taken to address the discharge:	
Person responsible for implementing remedial steps	
Name:	Richard Duncan
Telephone number:	740-353-0241

Desai, Sudhir

From: Fields, Tarsha
Sent: Monday, June 10, 2013 12:23 PM
To: Desai, Sudhir
Cc: Moore, Denise; Vantil, Barbara
Subject: FOIA City of Portsmouth

Hello Sudhir, can you please give me a status on the above mention FOIA. It was due on the 6th of this month. Did we get an extension? If so, what is the date. Thank you for your prompt attention to this...

Tarsha L. Fields
Environmental Protection Specialist
USEPA, R5, Water Division, WC-15J
77 West Jackson Blvd.
Chicago, IL 60604
312-353-9287
312-886-0168 (fax)

Desai, Sudhir

From: Fields, Tarsha
Sent: Monday, June 10, 2013 12:23 PM
To: Desai, Sudhir
Cc: Moore, Denise; Vantil, Barbara
Subject: FOIA City of Portsmouth

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Tarsha L. Fields
Environmental Protection Specialist
USEPA, R5, Water Division, WC-15J
77 West Jackson Blvd.
Chicago, IL 60604
312-353-9287
312-886-0168 (fax)

Desai, Sudhir

From: Sudhir [sudhirvdesai@aol.com]
Sent: Monday, June 10, 2013 3:15 PM
To: Desai, Sudhir; Vantil, Barbara; Prichard, Gary
Subject: Portsmouth, OH

Hi Barbara and Gary,

I talked to OEPA folks this afternoon. They have no objection with the draft ACO.

We should send the draft ACO for the City to sign within a week or so. Indicate also technical information should be forth coming about the projects. Make sure projects are showel ready.

WECA folks should talk to Rick and Malone. Have a meeting with Sturgill , Duncan, and Mayor to give the information that he is seeking.

In summary, ACO should he sent to the City for their signature.

It will be more useful if we can talk to them face to face. I hope Barbara can approve this request for the trip by us.

Thank you.

Sudhir Desair

Desai, Sudhir

From: Prichard, Gary
Sent: Monday, June 10, 2013 3:55 PM
To: Sudhir, Desai, Sudhir, Vantil, Barbara
Subject: RE: Portsmouth, OH

So, the next step, from my perspective, is that I will call the attorney for Portsmouth, and indicate that we are ready to finalize the AOC, once Portsmouth signs it. I'll ask counsel when Portsmouth will be ready to sign it. My guess is she will not know, and probably won't be able to have an answer for me before I leave. I'll ask her to get back to Susan Perdomo, who will be on this while I am gone. Assuming that Portsmouth indicates that it is ready to sign the AOC after I leave, I'll ask Susan to coordinate with you two to get it sent to counsel for Portsmouth.

With regard to the technical information that you are looking for on the projects, I suggest that WECA contact Rick Duncan to attempt to get that information. Finally, I need to review the response to comments document before we finalize it (which needs to happen before Tinka signs the AOC, after Portsmouth signs it). If you can send it to me by COB tomorrow (Tuesday), I can get you my comments on it by COB Wednesday.

Thanks,
Gary

From: Sudhir [sudhirvdesai@aol.com]
Sent: Monday, June 10, 2013 3:14 PM
To: Desai, Sudhir; Vantil, Barbara; Prichard, Gary
Subject: Portsmouth, OH

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Thank you.

Sudhir Desair

Desai, Sudhir

From: Sudhir [sudhirvdesai@aol.com]
Sent: Monday, June 10, 2013 5:00 PM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Portsmouth, OH

I shared my feedback with Barbara. I cannot access my g drive. I sent the email message yesterday night. I will talk to her tomorrow about this matter

We have set up a conference call tomorrow with Rick Duncan in the morning @ 10 am central. I have not received response from Rick Duncan yet.

Thank you.

Sudhir
847?949--0797

From: Prichard, Gary
Sent: 6/10/2013 15:54
To: Sudhir; Desai, Sudhir; Vantil, Barbara
Subject: RE: Portsmouth, OH

So, the next step, from my perspective, is that I will call the attorney for Portsmouth, and indicate that we are ready to finalize the AOC, once Portsmouth signs it. I'll ask counsel when Portsmouth will be ready to sign it. My guess is she will not know, and probably won't be able to have an answer for me before I leave. I'll ask her to get back to Susan Perdomo, who will be on this while I am gone. Assuming that Portsmouth indicates that it is ready to sign the AOC after I leave, I'll ask Susan to coordinate with you two to get it sent to counsel for Portsmouth.

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Thanks,
Gary

From: Sudhir [sudhirvdesai@aol.com]
Sent: Monday, June 10, 2013 3:14 PM
To: Desai, Sudhir; Vantil, Barbara; Prichard, Gary
Subject: Portsmouth, OH

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In summary, ACO should he sent to the City for their signature.

It will be more useful if we can talk to them face to face. I hope Barbara can approve this request for the trip by us.

Thank you.

Sudhir Desair

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 10, 2013 5:18 PM
To: Sudhir; Prichard, Gary; Desai, Sudhir
Subject: RE: Portsmouth, OH

I've sent Gary what I have. I'm not sure we'll need to wait a week.

From: Sudhir [<mailto:sudhirvdesai@aol.com>]
Sent: Monday, June 10, 2013 5:00 PM
To: Prichard, Gary; Desai, Sudhir; Vantil, Barbara
Subject: RE: Portsmouth, OH

I shared my feedback with Barbara. I cannot access my g drive. I sent the email message yesterday night. I will talk to her tomorrow about this matter

We have set up a conference call tomorrow with Rick Duncan in the morning @ 10 am central. I have not received response from Rick Duncan yet.

Thank you.

Sudhir
847?949-0797

From: Prichard, Gary
Sent: 6/10/2013 15:54
To: Sudhir; Desai, Sudhir; Vantil, Barbara
Subject: RE: Portsmouth, OH

So, the next step, from my perspective, is that I will call the attorney for Portsmouth, and indicate that we are ready to finalize the AOC, once Portsmouth signs it. I'll ask counsel when Portsmouth will be ready to sign it. My guess is she will not know, and probably won't be able to have an answer for me before I leave. I'll ask her to get back to Susan Perdomo, who will be on this while I am gone. Assuming that Portsmouth indicates that it is ready to sign the AOC after I leave, I'll ask Susan to coordinate with you two to get it sent to counsel for Portsmouth.

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Thanks,
Gary

From: Sudhir [sudhirvdesai@aol.com]
Sent: Monday, June 10, 2013 3:14 PM
To: Desai, Sudhir; Vantil, Barbara; Prichard, Gary
Subject: Portsmouth, OH

Hi Barbara and Gary,

I talked to OEPA folks this afternoon. They have no objection with the draft ACO.

We should send the draft ACO for the City to sign within a week or so. Indicate also technical information should be forth coming about the projects. Make sure projects are showel ready.

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It will be more useful if we can talk to them face to face. I hope Barbara can approve this request for the trip by us.

Thank you.

Sudhir Desair

Desai, Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:20 AM
To: Desai, Sudhir
Cc: Prichard, Gary
Subject: RE: Portsmouth, OH call to Duncan

Just so you know - I am not available then. Message - we want the City to sign the order. They've had an opportunity to see the public comments, and prepare comments internally. Our attorney will be contacting theirs to discuss the signing of the A0.

Once we have a signed agreement, EPA will issue a formal response to comments.

Gary, is there anything you'd like to add?

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

Hid contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:22 AM
To: Desai, Sudhir
Subject: Declined: Portsmouth, OH ACO progress

Desai, Sudhir

From: rduncan1@falcon1.net
Sent: Tuesday, June 11, 2013 2:06 PM
To: Desai, Sudhir; Vantil, Barbara
Subject: re: Portsmouth, OH ACO progress
Attachments: ATT00001.txt

How about tomorrow?

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Prichard, Gary
Sent: Tuesday, June 11, 2013 4:55 PM
To: Vantil, Barbara; Desai, Sudhir
Subject: portsmouth

I left a message today with the attorney for Portsmouth to let her know we are ready to finalize the AOC and for her to call me. With regard to the FOIA, I don't think I need to look at any of the emails. Go ahead and send them out to the requestor.

Desai, Sudhir

From: Vantil, Barbara
Sent: Wednesday, June 12, 2013 10:58 AM
To: Desai, Sudhir
Subject: FW: Portsmouth, OH call to Duncan

Not available. See note below. My calendar has been blocked.

B

-----Original Message-----

From: Vantil, Barbara
Sent: Tuesday, June 11, 2013 9:20 AM
To: Desai, Sudhir
Cc: Gary Prichard
Subject: RE: Portsmouth, OH call to Duncan

Just so you know - I am not available then. Message - we want the City to sign the order. They've had an opportunity to see the public comments, and prepare comments internally. Our attorney will be contacting theirs to discuss the signing of the AO.

Once we have a signed agreement, EPA will issue a formal response to comments.

Gary, is there anything you'd like to add?

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir
Sent: Tuesday, June 11, 2013 9:13 AM
To: Vantil, Barbara
Subject: Portsmouth, OH call to Duncan

Hi Barbara,

I called Rick Duncan this morning to remind him about our conference call of today at 10 am central/11 eastern time. He is not in his office so I left the message with his staff to call us.

His contact number is 740/353-0241.

Thank you.

Sudhir

Desai, Sudhir

From: rduncan1@falcon1.net
Sent: Wednesday, June 12, 2013 11:30 AM
To: Desai, Sudhir
Subject: Fwd: Request for reconsideration of Class IV Supervision
Attachments: ATT00001.txt

Sudhir,

As we discussed I am very concerned about this issue.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:44 PM
To: Vantil, Barbara; desai.sudhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

Rick Duncan called me this morning. We had scheduled the call this morning. However, because of the schedule conflicts, we were unable to originate the call together.

Here is the short summary of this call between me and Rick Duncan:

1) Rick does not see any problem with moving forward with the projects identified in the proposed ACO. However, he stated that he has concerns about moving forward with MOM and related work. Rick would like to tweak on the project schedule completion and or start dates. I stated that that we can discuss during the next call. Rick also felt that reporting requirements for the projects are too much for him. I stated that the Agency needs to know progress of the projects and we ask the similar information from other communities. I reiterated my frustration about not having supporting documents for cost estimates and other technical information. He felt that he has given the total cost figures. I stated that we want to make sure the cost and other technical details are on hand to review project viability and to determine if the costs derived for the projects are realistic and accurate.

2) I discussed three projects identified in the ACO:

- a) 25 th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.
- b) 23 rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)
- c) Armory: The project will move forward without any significant modifications. This is an above ground system.

Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the

OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Microsoft Outlook
To: desai.sudhir@epa.gov
Sent: Wednesday, June 12, 2013 12:44 PM
Subject: Undeliverable: conference call Portsmouth, OH/June 12, 2013

Delivery has failed to these recipients or groups:

desai.sudhir@epa.gov (desai.sudhir@epa.gov)

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BN1PR09MB009.namprd09.prod.outlook.com

desai.sudhir@epa.gov

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:

Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by
BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) with Microsoft SMTP
Server (TLS) id 15.0.702.21; Wed, 12 Jun 2013 17:43:35 +0000
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) by
BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.58]) with mapi id
15.00.0702.005; Wed, 12 Jun 2013 17:43:34 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Desai, Sudhir" <desai.sudhir@epa.gov>
To: "Vantil, Barbara" <vantil.barbara@epa.gov>, "desai.sudhir@epa.gov"
<desai.sudhir@epa.gov>, "jennifer.witte@state.oh.us"
<jennifer.witte@state.oh.us>, "Foster, Scott" <scott.foster@epa.state.oh.us>
CC: "Prichard, Gary" <prichard.gary@epa.gov>
Subject: conference call Portsmouth, OH/June 12, 2013
Thread-Topic: conference call Portsmouth, OH/June 12, 2013
Thread-Index: AQHOZ4zInGBZ1lgzaU+2UMqMOgdyIw==
Date: Wed, 12 Jun 2013 17:43:34 +0000
Message-ID: <1593b28410894477b0ee20886f6449a2@BN1PR09MB009.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator: <1593b28410894477b0ee20886f6449a2@BN1PR09MB009.namprd09.prod.outlook.com>
MIME-Version: 1.0

X-Originating-IP: [134.67.29.7]

Return-Path: desai.sudhir@epa.gov

X-Forefront-Antispam-Report:

SFV:SKI;SFS;;DIR:OUT;SFP;;SCL:-1;SRVR:BN1PR09MB009;H:BN1PR09MB009.namprd09.prod.outlook.com;LANG:en;

Desai, Sudhir

From: rduncan1@falcon1.net
Sent: Wednesday, June 12, 2013 3:11 PM
To: Desai, Sudhir; Vantil, Barbara
Cc: Jennifer Witte; Scott Foster
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Sudhir, et al.,

Sudhir's summary is an accurate description of our conversation.

I would like to reiterate Sudhir's statement about the Class IV issue. Due to the ongoing cost, paying for Mike Shaw's services is becoming a major issue for members of Council. Certain concerned locals are sure to use the issue to their maximum advantage. I will be surprised if it does not become a front page issue in near future, which will be another distraction that I am not prepared to deal with at this time.

On the other hand I sent my revised application to the advisory board in March and I met with the board on May 16. The board indicated that my application was sufficient and did not need to be revised. But they stated that they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

I am very concerned that the near-inevitable consequences of continuing to require the city to hire Class IV supervision will undermine my position with City Council and seriously jeopardize the work we have all done in advancing the AOC to this point. I hope that, considering the advanced status of my application, Ohio EPA can exercise additional discretion regarding the Class IV requirement.

Desai, Sudhir

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 3:30 PM
To: Andrew.Barienbrock@epa.state.oh.us
Subject: FW: conference call Portsmouth, OH/June 12, 2013

Hi Andy,

This information will give a clearer picture of the matters related to Portsmouth. Please feel free to chime in and I will try my best to address your concerns quickly.

Is it possible for you to share the letter you send it to Rick Duncan on June 7, 2013? I will appreciate your help in this matter.

I continue to be impressed by your reviews based on facts and submissions made by the applicants.

Thank you.

Sudhir Desai
312/886-6704

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:45 PM
To: RDuncan1@falcon1.net; Vantil, Barbara
Subject: FW: conference call Portsmouth, OH/June 12, 2013

FYI. I could not share this message with Rick for some computer related problem. So here is the message.

From: Desai, Sudhir
Sent: Wednesday, June 12, 2013 12:43 PM
To: Vantil, Barbara; desai.sudhhir@epa.gov; jennifer.witte@state.oh.us; Foster, Scott
Cc: Prichard, Gary
Subject: conference call Portsmouth, OH/June 12, 2013

Hi Barbara and all,

Rick Duncan called me this morning. We had scheduled the call this morning. However, because of the schedule conflicts, we were unable to originate the call together.

Here is the short summary of this call between me and Rick Duncan:

1) Rick does not see any problem with moving forward with the projects identified in the proposed ACO. However, he stated that he has concerns about moving forward with MOM and related work. Rick would like to tweak on the project schedule completion and or start dates. I stated that that we can discuss during the next call. Rick also felt that reporting requirements for the projects are too much for him. I stated that the Agency needs to know progress of the projects and we ask the similar information from other communities. I reiterated my frustration about not having supporting documents for cost estimates and other technical information. He felt that he has given the total cost figures. I stated that we want to make sure the cost and other technical details are on hand to review project viability and to determine if the costs derived for the projects are realistic and accurate.

2) I discussed three projects identified in the ACO:

- a) 25 th and Coles Blvd.: The City now has acquired the property for the project. This is an above ground detention basin.
- b) 23 rd and Grandview Avenue Storage: I stated that the citizens have expressed concerns about the proposed above ground storage facility. He stated that the proposed facility will be an underground storage. (note: my recollection is that in doing debt service analysis, he has used the above ground project costs. I need to double check on this matter. I did not discuss this with Rick though)
- c) Armory: The project will move forward without any significant modifications. This is an above ground system.

Rick stated that he needs additional help to assist him. I stated that we have talked this matter with the Mayor in past. But we will be happy to assist him. Rick stated that he plans to have a public meeting to talk about the projects in very near future. I stated that this was a good idea.

I suggested to him that it may be beneficial if he can put the projects on the web and that way citizens can get a better idea about each one of them. I stated that I am aware of not having IT help for this work. He did not provide his feed back and he will consider my suggestion.

Rick is concerned about the Class IV Operator's Licence matter. He indicated that he has retained services of Mike Shaw for about 20 hours a week to meet the State's Class IV operator's Licence requirements. Mike's work is taking some resources from his department budget. He is working on preparing and then submitting the information to Andy B. of the OEPA to get his own Class IV licence. He is hoping that OEPA's office will grant him an extension of time to work on Class IV requirements. He is hoping Scott Foster and Jennifer Witte of the OEPA who can help him on this matter. I stated that this is the issue that he should discuss with Scott and Jennifer.

I stated that the Agency has contacted their lawyer to move forward this matter. Rick is also some concerns about some Council members' position on this ACO related issues.

I think I have summarized the details about our discussion today.

Please let me know if you have any questions and or comments. I will share this message with Rick.

Thank you all.

Sudhir Desai
USEPA, Region 5/WECA
312/886-6704

Desai, Sudhir

From: Prichard, Gary
Sent: Thursday, June 13, 2013 5:13 PM
To: DeMonte, Jessica E.
Cc: Perdomo, Susan; Vantil, Barbara; Desai, Sudhir
Subject: Portsmouth

Jessica - Susan Perdomo is the attorney who will be handling the Portsmouth case while I am out. Please let Susan know what steps need to happen before the City can sign the AOC. Susan's number is 312-886-0557.

Thanks,

Gary Prichard
Associate Regional Counsel
(312) 886-0570

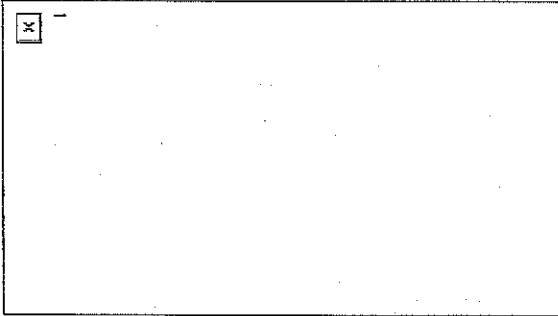
Desai, Sudhir

From: Steve Canter [scanter@enveng.com]
Sent: Monday, June 17, 2013 11:50 AM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH FOIA Request

Sudhir,

It is acceptable to provide the requested information no later than June 20, 2013.

Sincerely,
Steve Canter



Stephen Canter, P.E.
13 Cherokee Trail
New Richmond, Ohio 45157
(513) 553-2707
(513) 553-2988 (Fax)

Lebanon Office
3575 Columbia Road
Lebanon, Ohio 45036
(513) 934-1512
(513) 934-1515 (Fax)

From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]
Sent: Monday, June 17, 2013 9:43 AM
To: scanter@enveng.com
Cc: Desai, Sudhir
Subject: Portsmouth, OH FOIA Request

Hi Steve,

I will appreciate if you can send the confirmation about agreeing to extension EPA'S time request to respond to your Freedom of Information Request about Portsmouth, OH matter asap.

Thank you.

Sudhir Desai
312/886-6704

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 17, 2013 12:04 PM
To: Desai, Sudhir
Subject: RE: Portsmouth, OH FOIA Request

Hi, Sudhir – have you written the letter yet?

B

From: Desai, Sudhir
Sent: Monday, June 17, 2013 12:02 PM
To: Vantil, Barbara; Jackson, Mery; Moore, Denise; Jones, Roslyn
Subject: FW: Portsmouth, OH FOIA Request

Here is the confirmation regarding extension of time request regarding Portsmouth, OH matter.

Thank you.

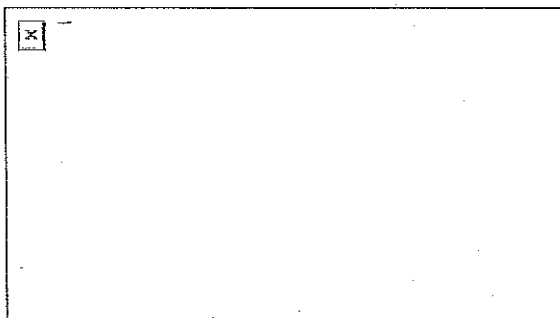
Sudhir

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Subject: RE: Portsmouth, OH FOIA Request

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Lebanon Office
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***** ATTACHMENT NOT DELIVERED *****

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 17, 2013 1:51 PM
To: Foster, Scott; Witte, Jennifer
Cc: Desai, Sudhir
Subject: RE: July 2 mtg with Portsmouth

Just got off the phone with Rick. July 2 at 1:00 is good.

From: Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]
Sent: Monday, June 17, 2013 1:19 PM
To: Vantil, Barbara; Witte, Jennifer
Cc: Desai, Sudhir
Subject: RE: July 2 mtg with Portsmouth

Yes, that will be fine. Let's meet for lunch and maybe schedule with them for 1 o'clock.

From: Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]
Sent: Monday, June 17, 2013 2:05 PM
To: Witte, Jennifer; Foster, Scott
Cc: Desai, Sudhir
Subject: July 2 mtg with Portsmouth

Would it work for you guys if I propose a last meeting with Portsmouth on injunctive relief for July 2?

Desai, Sudhir

From: Vantil, Barbara
Sent: Monday, June 17, 2013 2:32 PM
To: rduncan1@falcon1.net
Cc: Witte, Jennifer; Scott Foster; Desai, Sudhir; David Malone
Subject: Meeting Request - Technical Measures in draft Administrative Order on Consent

Good afternoon, Rick. As our counsel has discussed with yours, we need the Order to proceed. EPA would like to offer the City one additional opportunity to discuss the injunctive relief measures in the draft Administrative Order on Consent with us. If there are specific projects and/or timelines of concern for the technical work, we have discretion to discuss them with you.

We'd like to meet on July 2nd at 1:00 in Portsmouth. Please confirm whether this will work for you and any others the City may choose to have attend.

Thanks – Barbara

Barbara R. VanTil
Chief, Compliance Section 1
U.S. EPA Region 5 Water Division
312-886-3164

Desai, Sudhir

From: Vantil, Barbara
Sent: Tuesday, June 18, 2013 10:08 AM
To: Desai, Sudhir
Cc: Vantil, Barbara
Subject: portsmouth emails
Attachments: RE: Portsmouth, OH/Request from Sturgill and sewer walk through; RE: Portsmouth, OH/Request from Sturgill and sewer walk through; RE: Conference Call Request/Portsmouth, OH ; URGENT: Update on Progress Needed

Desai, Sudhir

From: Vantil, Barbara
Sent: Tuesday, April 23, 2013 3:20 PM
To: rduncan1@falcon1.net; Desai, Sudhir
Cc: Scott Foster; David Malone; Ruggles, Kris; John Lyons; DeMonte, Jessica E.
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Hi, Rick - thanks for providing us this info. I do have a couple of questions. First, were these documents provided in their entirety to the City Council, either electronically or in hard copy? Also, I noticed that the cost provided for the Lawson Run Sewer Separation Feasibility work did not appear to be complete. As you'll recall, there had previously been a dollar figure of \$1.25 million associated with that work. I understand the current scope, and costs, are more modest. The only price I see, though, is \$75k. It would be helpful to provide a more detailed cost estimate for this project, as you have done for some of the others. For us to understand the costs, we may need to have a discussion on the basis for these costs.

When you talked to City Council last night, did any specific questions come up? Did you provide any info on what might be involved with Phase II? Sudhir is working on our response to the public comments received. We will need to discuss some of those responses with you. Your cooperation in this will be greatly appreciated.

Thanks - Barbara

-----Original Message-----

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Monday, April 22, 2013 4:24 PM
To: Desai, Sudhir
Cc: Scott Foster; Vantil, Barbara; David Malone; Ruggles, Kris; John Lyons; DeMonte, Jessica E.
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Mr. Desai:

The attached information is being provided to the mayor, Council President Steve Sturgill and the rest of City Council tonight at the Council meeting.

We hope to complete our walk-through of the Lawson Run Sewer this week, weather/workload permitting. I have seen the video and the quality is good. We will provide copies of the video as soon as we are able.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office
740-357-0128 Cell

Desai, Sudhir

From: Vantil, Barbara
Sent: Thursday, April 18, 2013 8:33 AM
To: rduncan1@falcon1.net; Desai, Sudhir
Cc: Scott Foster; David Malone; Ruggles, Kris; John Lyons
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Thanks for the update, Rick. We'll touch base with you later. Sounds like you've got things set up right.

Barbara

From: rduncan1@falcon1.net [rduncan1@falcon1.net]
Sent: Thursday, April 18, 2013 8:27 AM
To: Desai, Sudhir
Cc: Scott Foster; Vantil, Barbara; David Malone; Ruggles, Kris; John Lyons
Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk through

Dear Sudhir:

The sewer walk-through is currently underway as of 9:30 a.m. eastern time. Our personnel are presently at the site and coordinating with Fire Department personnel, in case rescue assistance is needed.

It will take at least two more days to complete the walk-through. Assuming that our new video camera works properly and the flashlights used provide sufficient light we will provide you with the video ASAP.

Since the Lawson Run Sewer is a combined sewer our entry into the line is weather dependent, so it may be impractical to try to schedule a walk-through very far in advance, especially considering that we may have emergency repairs that might arise.

If you really want to be present for a walk-through, just let us know when you can come and we'll try to do one just for you and Scott.

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth

----- Original message -----

>Date: Wed, 17 Apr 2013 22:34:20 +0000
>From: "Desai, Sudhir" <desai.sudhir@epa.gov>
>Subject: RE: Portsmouth, OH/Request from Sturgill and sewer walk
>through
>To: "rduncan1@falcon1.net" <rduncan1@falcon1.net>
>Cc: Scott Foster <scott.foster@epa.ohio.gov>, "Vantil, Barbara"
><vantil.barbara@epa.gov>, David Malone
><DMalone@portsmouthoh.org>, "Ruggles, Kris"
><Kris.Ruggles@strand.com>, John Lyons <john.lyons@strand.com>
>

>Hi Rick,

>

>Thank you for your follow up and response.

>

>I would like to be present when the sewer walk through is taking place.

>

>It will be helpful if you can provide some advance notice so I can get an approval from Barbara R.VanTil to be at the site and coordinate my visit with Scott Foster.

>

>Please let me know if the actual walk through took place or not tomorrow.

>

>Thank you.

>

>Sudhir Desai

>312/886-6704

>

>

>From: rduncan1@falcon1.net [rduncan1@falcon1.net]

>Sent: Wednesday, April 17, 2013 9:41 AM

>To: Desai, Sudhir

>Cc: Scott Foster; Vantil, Barbara; David Malone; Ruggles, Kris; john

>lyons

>Subject: Re: Portsmouth, OH/Request from Sturgill and sewer walk

>through

>

>1) I am working diligently on Mr. Sturgill's request. I hope to forward it to him/you tomorrow.

>

>2) The 2 escape respirators that I ordered last week arrived today. Also we are in the process of purchasing a video camera with a suitable light source so that we can provide EPA with the video recording you asked for in our last conference call. If we can acquire the camera we plan to have the walk-through beginning tomorrow, weather permitting. The initial inspection will probably be limited to the upper 1/4 to 1/3 of the line. Weather and workload permitting we will do additional video inspection next week.

>

>

>Richard Duncan, P.E.

>Director of Wastewater and Flood Defense City of Portsmouth

Desai, Sudhir

From: Vantil, Barbara
Sent: Wednesday, April 10, 2013 11:55 AM
To: rduncan1@falcon1.net; Desai, Sudhir
Cc: Prichard, Gary; john lyons; Ruggles, Kris; Scott Foster; Jennifer Witte
Subject: RE: Conference Call Request/Portsmouth, OH

Unfortunately I have a prior obligation then. What about 1:00 Eastern/12:00 Central on Friday?

Thanks - Barbara

-----Original Message-----

From: rduncan1@falcon1.net [<mailto:rduncan1@falcon1.net>]
Sent: Wednesday, April 10, 2013 11:20 AM
To: Desai, Sudhir
Cc: Vantil, Barbara; Prichard, Gary; john lyons; Ruggles, Kris; Scott Foster; Jennifer Witte
Subject: RE: Conference Call Request/Portsmouth, OH

Sudhir-

If acceptable to EPA I am available at 2 eastern/1 central tomorrow (Thursday). Strand is available as well.

Summary of discussion with Strand on 4/9:

Kris Ruggles and I reviewed the 6-item proposed agenda from Barbara's 4/8 email.

Call me on my cell if we need to talk.

Thanks,

Richard Duncan, P.E.
Director of Wastewater and Flood Defense City of Portsmouth
740-353-0241 Office

~~~~~  
Hi Rick,

Please call me to set up a conference call asap.

I will appreciate if you can provide a short summary of your discussion with Strand yesterday.

Thx.

Sudhir Desai  
312/886-6704



## Desai, Sudhir

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**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 1:37 PM  
**To:** Perdomo, Susan  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** Responding to Jane Murray of Portsmouth  
**Attachments:** Enforcement of CWA re SSOs at Munn's Run; City's latest attempt to answer the AOC

Hi, Susan – We need your input on a Portsmouth-related matter. One thing Gary and I had spoken about before he went on leave was coming up with a strategy to manage the influx of comments from the former mayor of Portsmouth, Jane Murray.

I've attached two examples of correspondence we've received from Ms. Murray. She appears to have the expectation that we will respond to each of her questions. We have concerns about how much access to information she expects. One thought is to treat each request as a FOIA. That obviously has its advantages and disadvantages. I'd like the four of us to sit down and talk about our options. We think you will have valuable input.

Some of her questions will be answered if/when we have a signed AOC, and we issue a formal response to the public comments received. As you know, we don't have an agreement yet. Once this is issued, however, we don't expect the questions will actually stop.

Another thing I wanted to let you know. Gary agreed that it would be a good idea for technical staff to meet with the City on the injunctive relief provisions of the order one last time. Given the extended timeline for the public comment period, some of the projects may actually be complete. We may tweak some of the dates. Sudhir and I (as well as Ohio EPA) are meeting with Rick Duncan and the Mayor on July 2<sup>nd</sup> in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks – Barbara  
63164





**Desai, Sudhir**

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**From:** Jane Murray [mjane@murray@yahoo.com]  
**Sent:** Monday, June 03, 2013 8:18 AM  
**To:** Maraldo, Dean; Prichard, Gary  
**Cc:** Desai, Sudhir; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Larry Essman; Bob Forrey; Councilmember Meadows; Fred Snell; scott.foster@epa.state.oh.us; Andrew Barienbrock; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill  
**Subject:** Enforcement of CWA re SSOs at Munn's Run

Good morning gentlemen:

As you may be aware from the AOC, the city of Portsmouth has been in violation of the CWA's requirements on Sanitary Sewer Overflows (SSOs) which are to be immediately mitigated and/or the city fined \$10,000/day, at Munn's Run . I've read permit compliance inspection reports by OH EPA staff going back to at least 2007 that show SSO violations at Munn's Run. While work is finally being done to mitigate this horrible situation, can you please answer the following:

1. Do SSOs continue in 2013? If so, how many?
2. How many were noted in 2011 and 2012?
3. Why was nothing required of Mr. Duncan and the city these many years?
4. A contract for this work was presented to me as mayor in 2010 and I signed it. I was told that Mr. Duncan tried to break this contract when he returned in 2011, but eventually forced to honor it. No doubt, all this unnecessarily delayed the engineering and construction phases.

I realize the OH EPA handles this and have copied them so that they can coordinate a response to the above.

For your information, Mr. Duncan has recently failed again to receive his Class IV license. A contractor is acting as the Operator of Responsible Charge. His name is Mike Shaw and he was the city's Class IV operator for a number of years. As I understand it, he retired early because the former mayor Jim Kalb refused to enforce the city's 2001 Stormwater Control Plan and ordinance...a copy provided to Sudhir Desai in 2008 when he learned from Mr. Essman and me of its existence.

Thank you in advance for your reply.

Jane

**M. Jane Murray**

**<http://wegottroublerightthereinriverscity.blogspot.com/>**



## Desai, Sudhir

---

**From:** Jane Murray [mjanemurray@yahoo.com]  
**Sent:** Thursday, May 23, 2013 3:23 PM  
**To:** Desai, Sudhir  
**Cc:** Larry Essman; Bob Forrey; Maraldo, Dean; Vantil, Barbara; Hyde, Tinka; Hedman, Susan; Ruth Marasek; Sue Zoellner; Brenda McCane; Sandi Lawyer; Harald Daub fritzdaub@roadrunner.com; Rich Noel; Alan Barlow; Councilmember Meadows; Kevin E Johnson; Kevin W.W. Johnson; Rich Saddler; Steve Sturgill; Sharon Bender; Austin Leedom; Chris Korleski; Fred Snell; scott.foster@epa.state.oh.us  
**Subject:** City's latest attempt to answer the AOC

Hi Sudhir:

Larry and I are just now reviewing the latest Strand/Duncan debacle entitled a Facilities Plan dated April 2013 - which the public knew nothing about until yesterday when I received it. Actually it should be called a *Give More Public Monies to Strand for Nothing* plan.

We have a few questions just to begin:

1. Will anything go forward - including contracts - while we are digesting and objecting to this monstrosity?
2. You would not really consider the construction of an above ground detention pond on Grandview Avenue all around those homes, would you?

This is so looney tunes that we can't believe that they would not only put it in as one option...but would, in fact, select it!

When specifically asked at the public hearing in February, Mr. Duncan said it was a below ground basin. Now it's an above ground area that would have to be built below the level of basements in the area and receive raw sewage during excess flow periods.

I've copied this to some people who live right next door to, across the street and a few doors from the suggested sewage lagoon, stink hole, mosquito magnet, rat heaven (haven) - take your pick or picks!

Or am I missing something? Please advise.

3. Their proposal puts a new sanitary line on Dorman and connects to the Redwood Alley sanitary line. No one has been able to answer our question on whether those separate lines above (Indian Hills and east of it) combine before or at the confluence of Dorman, Shawnee and Coles Blvd. Can you please address this for us? What purpose does this new line serve?
4. Where is the protection for all of us above 25th Street? Do Mr. Duncan and his consultants know that dozens of us were hit in 2008 including the entire eastern block of Shawnee from 27th to Dorman and further up Coles Blvd.?
5. The downspout removal project has been a disaster for some residents...removals leading to seepage into neighboring homes. There has been no inspection. We will address this further, especially in that all properties in the city, not just residences, whose downspouts drain directly to the sanitary line have to be removed and rerouted...and not just the select 60+ houses on Grandview. Selective enforcement is illegal and unconstitutional.
4. Since Mr. Duncan has again failed his Class IV license, and since there is no position for him in government, can EPA shelve this stuff and work with the citizens and council on real solutions right now?
5. We again invite you and Dean Maraldo to come soon!

Sincerely,

Jane

**M. Jane Murray**



## Desai, Sudhir

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 19, 2013 1:52 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Subject:** RE: Responding to Jane Murray of Portsmouth/Next Tuesday is furlough day for me

Hi Barbara,  
I just realized next Tuesday is my furlough day off. Of course, I can change the furlough date with your concurrence.

Thx.

Sudhir

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 19, 2013 1:48 PM  
**To:** Vantil, Barbara  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Hi Barbara,

Since Rick is meeting with their attorney on 6/21/2013, I think it will be more helpful if we meet next week with Susan.  
Just a thought.

Thx.

Sudhir

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 1:37 PM  
**To:** Perdomo, Susan  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** Responding to Jane Murray of Portsmouth

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EPA) are meeting with Rick Duncan and the Mayor on July 2<sup>nd</sup> in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks — Barbara

63164

## **Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 2:17 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Responding to Jane Murray of Portsmouth/Next Tuesday is furlough day for me

No, I'll work around it. If she can't do tomorrow, we'll wait until Wednesday.

Thanks for letting me know.

Barbara

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 19, 2013 1:52 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Subject:** RE: Responding to Jane Murray of Portsmouth/Next Tuesday is furlough day for me

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Some of her questions will be answered if/when we have a signed AOC, and we issue a formal response to the public comments received. As you know, we don't have an agreement yet. Once this is issued, however, we don't expect the questions will actually stop.

Another thing I wanted to let you know. Gary agreed that it would be a good idea for technical staff to meet with the City on the injunctive relief provisions of the order one last time. Given the extended timeline for the public comment period, some of the projects may actually be complete. We may tweak some of the dates. Sudhir and I (as well as Ohio EPA) are meeting with Rick Duncan and the Mayor on July 2<sup>nd</sup> in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks – Barbara  
63164



**Desai, Sudhir**

---

**From:** R5-15-06.epa.gov@mintra01.rtp.epa.gov  
**Sent:** Wednesday, June 19, 2013 2:28 PM  
**To:** Desai, Sudhir  
**Subject:** Message from "R5-15-06"  
**Attachments:** 20130619142822864.pdf

This E-mail was sent from "R5-15-06" (Aficio MP 6001).

Scan Date: 06.19.2013 14:28:22 (-0500)

Queries to: R5-15-06.epa.gov





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 19 2013

REPLY TO THE ATTENTION OF:

WC-15J

Mr. Stephen Canter, P.E.  
3575 Columbia Road  
Lebanon, Ohio 45036

Subject: Freedom of Information Act Request

(Identification Number: EPA-R5-2013-006227)

Dear Mr. Canter:

This letter responds to your Freedom of Information Act (FOIA) request received on May 07, 2013. On June 04, 2013, you agreed to the Agency's request for an extension of time to provide the requested information from June 4, 2013 to June 20, 2013. You requested the U.S. Environmental Protection Agency to provide all correspondence between the City of Portsmouth and the EPA from April 07, 2013 to May 07, 2013 electronically. I am sending all the documents from Water Division's files that are responsive to your request electronically.

There is a billable cost associated with the subject freedom of information act request. A Bill for Collection will be provided under a separate cover for the total cost for searching and reviewing the documents responsive to your request. The total cost for the above request is \$23.55.

You may appeal this response to the National Freedom of Information Officer, EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460, (U.S. Postal Service only) FAX: (202) 566-2147, e-Mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar day limit. The appeal letter should include the identification number: EPA-R5-2013-006227 listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any technical questions regarding this request, please contact Sudhir Desai at (312) 886-6704. Please contact Susan Perdomo if you have any legal questions at (312) 886-0557.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dean Maraldo', with a long, sweeping horizontal stroke extending to the right.

Dean Maraldo, Chief  
Water Enforcement and Compliance Assurance Branch

**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Wednesday, June 19, 2013 2:42 PM  
**To:** rduncan1@falcon1.net; Desai, Sudhir; Vantil, Barbara  
**Cc:** Witte, Jennifer; Barienbrock, Andrew  
**Subject:** RE: conference call Portsmouth, OH/June 12, 2013

Rick:

After much discussion, the Ohio EPA can't excuse the city from having a Class IV operator in responsible charge of the Lawson Run Wastewater Treatment Plant. It is a requirement included in your NPDES permit and in Ohio Administrative Code 3745-7-04. If you have any additional comments or requests, please feel free to contact me.

Sincerely,

Scott Foster  
Environmental Specialist 2  
Division of Surface Water  
Southeast District  
Ohio EPA  
740-380-5227  
[scott.foster@epa.ohio.gov](mailto:scott.foster@epa.ohio.gov)

---

**From:** [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net) [mailto:[rduncan1@falcon1.net](mailto:rduncan1@falcon1.net)]  
**Sent:** Wednesday, June 12, 2013 4:11 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Cc:** Witte, Jennifer; Foster, Scott  
**Subject:** FW: conference call Portsmouth, OH/June 12, 2013

Sudhir, et al.,

Sudhir's summary is an accurate description of our conversation.

I would like to reiterate Sudhir's statement about the Class IV issue. Due to the ongoing cost, paying for Mike Shaw's services is becoming a major issue for members of Council. Certain concerned locals are sure to use the issue to their maximum advantage. I will be surprised if it does not become a front page issue in near future, which will be another distraction that I am not prepared to deal with at this time.

On the other hand I sent my revised application to the advisory board in March and I met with the board on May 16. The board indicated that my application was sufficient and did not need to be revised. But they stated that they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

I am very concerned that the near-inevitable consequences of continuing to require the city to hire Class IV supervision will undermine my position with City Council and seriously jeopardize the work we have all done in advancing the AOC to this point. I hope that, considering the advanced status of my application, Ohio EPA can exercise additional discretion regarding the Class IV requirement.



**Desai, Sudhir**

---

**From:** Jamison, Tracy  
**Sent:** Wednesday, June 19, 2013 2:49 PM  
**To:** Jackson, Mery  
**Cc:** Desai, Sudhir; Vantil, Barbara  
**Subject:** FOIA-006227  
**Attachments:** FOIA-05-2013-006227.pdf; Calculatilon Worksheet-006227.pdf

Sudir is communicating with the requester regarding the attachment that goes with this FOIA. I am out of the office until Monday maybe Tuesday morning.

TRACY D. JAMISON  
ADMINISTRATIVE PROCESSING ASSISTANT  
WATER DIVISION  
WATER ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH (WC-15J)  
(312) 886-6205







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 7 9 2013

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WC-15J

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Water Enforcement and Compliance Assurance Branch

## FOIA FEE CALCULATION WORKSHEET\_ 05-FOI-01354-11

anise Moore

DIVISION Water

PHONE 6-6744

LED TO REQUESTER BY FEE CATEGORY: (X) Commercial Use Request (Charge for Search, Review  
 ication) ( ) Education & Non-commercial Scientific Institution. (Charge for Duplication excluding first 100  
 ) Representatives of the News Media (Charge for Duplication excluding first 100 pages) ( ) All Other  
 for Search excluding first 2 hours and Duplication excluding first 100 pages)  
 WORK MORE THAN ONE BOX IF APPLICABLE (x) Subject Matter Expert/Responder (X) Clerical/Support  
 nnel ( ) Legal Personnel (Concurrence Review) ( ) Contractor Support ( ) Other (Please Specify)  
 WORK ON FOIA (Check one)  
 Part-Time (e.g., Collateral Duties)  
 Full-Time

|                                                                                                   |              |               |                                                                                 |        |         |
|---------------------------------------------------------------------------------------------------|--------------|---------------|---------------------------------------------------------------------------------|--------|---------|
| ADMINISTRATIVE COSTS - Actual cost of processing<br>FOIA Request - NOT Billed - charge per 15 min |              |               | COST BILLED TO REQUESTER-charge per 15<br>min (No bill issued for \$14 or less) |        |         |
| SEARCH TIME Use ACTUAL hourly rate from paystub                                                   |              |               | SEARCH TIME Use fee rates below to bill requester                               |        |         |
| RATE (Actual)                                                                                     | TIME         | TOTAL         | RATE (Billable)                                                                 | TIME   | TOTAL   |
| 27.86 47.11                                                                                       | 15 min. 1 hr | \$6.89 47.11  | Clerical \$4.00 per 1/4 hr                                                      | 30 min | \$4.00  |
|                                                                                                   |              | \$            | Professional \$7.00 per 1/4 hr                                                  | 1 hr   | \$47.11 |
|                                                                                                   |              | \$            | Managerial \$10.25 per 1/4 hr                                                   | 30 min | \$      |
|                                                                                                   |              |               | Fee Reduction (Subtract 2 hours)                                                |        |         |
| TOTAL SEARCH (Actual Cost)                                                                        |              |               | \$6.89                                                                          |        |         |
|                                                                                                   |              |               | TOTAL SEARCH (Billable)                                                         |        |         |
|                                                                                                   |              |               | \$4.00 0.00                                                                     |        |         |
| REVIEW TIME - Use ACTUAL hourly rate from paystub                                                 |              |               | REVIEW TIME Use fee rates below to bill requester                               |        |         |
|                                                                                                   |              | \$            | Clerical \$4.00 per 1/4 hr                                                      |        | \$      |
|                                                                                                   |              | \$            | Professional \$7.00 per 1/4 hr                                                  | 30 min | \$23.55 |
|                                                                                                   |              | \$            | Managerial \$10.25 per 1/4 hr                                                   |        | \$      |
| TOTAL REVIEW (Actual Cost)                                                                        |              |               | TOTAL REVIEW (Billable)                                                         |        |         |
|                                                                                                   |              |               | 23.55                                                                           |        |         |
| DUPLICATION                                                                                       |              |               | DUPLICATION                                                                     |        |         |
| Single sided \$.15 per page                                                                       |              | \$            | Single-sided \$.15 per page                                                     | 1      | \$.     |
| 2 sided \$.30 per page                                                                            |              | \$            | 2 sided \$.30 per page                                                          | 1      | \$      |
| Special - Actual Cost                                                                             |              | \$            | Special - Actual Cost                                                           |        | \$      |
| Diskettes@ \$ 1.00                                                                                |              |               | Diskettes@ \$ 1.00                                                              |        |         |
|                                                                                                   |              |               | Fee Reduction Subtract 100 Pages                                                |        |         |
| TOTAL DUPLICATION (Actual Cost)                                                                   |              |               | TOTAL DUPLICATION (Billable)                                                    |        |         |
|                                                                                                   |              |               | \$ 0.                                                                           |        |         |
| Other Billable Cost                                                                               |              |               | Other Billable Cost                                                             |        |         |
| Computer Usage                                                                                    | Actual Cost  | \$            | Computer Usage                                                                  |        | \$      |
| Certification/Authentication                                                                      | Actual Cost  | \$            | Certification/Authentication                                                    |        | \$      |
| Nonbillable Costs - Use ACTUAL hourly rate from paystub                                           |              |               |                                                                                 |        |         |
| Response Preparation                                                                              | 4.00 1.00    | \$ 4.00 47.11 |                                                                                 |        |         |
| Telephone Calls                                                                                   | 0.25 min     | \$ 11.77      |                                                                                 |        |         |
| ORC Concurrence                                                                                   |              | \$            |                                                                                 |        |         |
| Conduct File Review                                                                               |              | \$            |                                                                                 |        |         |
| Mailing - Special costs                                                                           | 0.45         | \$ 0.45       | Mailing Special costs                                                           |        | \$      |
| TOTAL Actual Cost                                                                                 |              |               | TOTAL Billable Cost                                                             |        |         |
| \$ 19.89 59.33                                                                                    |              |               | \$4.00 23.55                                                                    |        |         |

NOTE: A COMPLETED COPY OF THIS WORK SHEET MUST BE SENT TO THE REGIONAL FOIA OFFICE (M-9J) ALONG WITH THE REPLY LETTER.  
 REPLIES MISSING COST INFO MAY APPEAR ON OVERDUE LIST.

Letter File: Portsmouth Center FOIA 620



**Desai, Sudhir**

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**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 3:07 PM  
**To:** Maraldo, Dean  
**Cc:** Perdomo, Susan; Prichard, Gary; Desai, Sudhir  
**Subject:** FW: conference call Portsmouth, OH/June 12, 2013

Fyi. I let Rick know earlier this week that this was a state-lead issue, and that we would not intervene.

---

**From:** Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]  
**Sent:** Wednesday, June 19, 2013 2:42 PM  
**To:** [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net); Desai, Sudhir; Vantil, Barbara  
**Cc:** Witte, Jennifer; Barienbrock, Andrew  
**Subject:** RE: conference call Portsmouth, OH/June 12, 2013

Rick:

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Sincerely,

Scott Foster  
Environmental Specialist 2  
Division of Surface Water  
Southeast District  
Ohio EPA  
740-380-5227  
[scott.foster@epa.ohio.gov](mailto:scott.foster@epa.ohio.gov)

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**Sent:** Wednesday, June 12, 2013 4:11 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Cc:** Witte, Jennifer; Foster, Scott  
**Subject:** FW: conference call Portsmouth, OH/June 12, 2013

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they still required additional supporting information prior to Class IV approval which they would describe in a letter. I received the letter June 7. I will make every effort to provide the information expeditiously.

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**Desai, Sudhir**

---

**From:** Perdomo, Susan  
**Sent:** Wednesday, June 19, 2013 3:13 PM  
**To:** Vantil, Barbara  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Barbara - I can meet next Tuesday at 3:15. I hope that works. Sue

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 1:37 PM  
**To:** Perdomo, Susan  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** Responding to Jane Murray of Portsmouth

Hi, Susan – We need your input on a Portsmouth-related matter. One thing Gary and I had spoken about before he went on leave was coming up with a strategy to manage the influx of comments from the former mayor of Portsmouth, Jane Murray.

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Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks – Barbara  
63164





## **Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 19, 2013 3:26 PM  
**To:** Perdomo, Susan  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Hi, Sue - I can do that. Dean's not available then, and Sudhir is on furlough. Given scheduling issues, it will be easier for the two of us to just chat. I can fill Dean in on Wednesday.

Shall I just come down to your office?

Thanks - Barbara

---

**From:** Perdomo, Susan  
**Sent:** Wednesday, June 19, 2013 3:13 PM  
**To:** Vantil, Barbara  
**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** RE: Responding to Jane Murray of Portsmouth

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63164

## Desai, Sudhir

---

**From:** Desai, Sudhir  
**Sent:** Thursday, June 20, 2013 8:43 AM  
**To:** Desai, Sudhir  
**Subject:** FW: Responding to Jane Murray of Portsmouth

---

**From:** Perdomo, Susan  
**Sent:** Wednesday, June 19, 2013 4:36 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Cc:** Maraldo, Dean  
**Subject:** RE: Responding to Jane Murray of Portsmouth

It seems to me that since this is Sudhir's case, we should wait to meet until he is available. What other day do you suggest next week? Friday the 28th is my compressed day. Thanks, Sue

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 19, 2013 3:47 PM  
**To:** Perdomo, Susan; Vantil, Barbara  
**Cc:** Maraldo, Dean  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Hi Sue,

Sorry, I won't be able to meet with you. That day is my furlough day.

Sudhir Desai  
312/886-6704

---

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**Sent:** Wednesday, June 19, 2013 3:13 PM  
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63164

## Desai, Sudhir

---

**From:** Vantil, Barbara  
**Sent:** Thursday, June 20, 2013 10:00 AM  
**To:** Desai, Sudhir; Perdomo, Susan  
**Cc:** Maraldo, Dean  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Hi, all – I'm busy on Monday, and Dean isn't in then. Sudhir, please work with Sue to see if you can find a time that works with my schedule and Dean's. Given that Ms. Murray communicates more directly with both of you, it would be preferable to have you both in that discussion.

I'm going to leave my calendar blocked for 3:15 on Tuesday in the meanwhile. I would be better for just the two of us to talk than not have a conversation at all.

Thanks- Barbara

---

**From:** Desai, Sudhir  
**Sent:** Thursday, June 20, 2013 9:53 AM  
**To:** Perdomo, Susan  
**Cc:** Vantil, Barbara; Maraldo, Dean  
**Subject:** RE: Responding to Jane Murray of Portsmouth

Hi Sue,

Thank you for your feedback.

I am available on Monday all day Monday, June 24, 2013. Is 10 am sounds good to you all on 6/24/21013? I am available Wednesday (6/26/2013) all day. Please let me know when it is convenient to you.

I am comfortable with Barbara taking care of this matter any time.

Thank you.

Sudhir

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**From:** Desai, Sudhir  
**Sent:** Thursday, June 20, 2013 8:43 AM  
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**Cc:** Maraldo, Dean; Desai, Sudhir  
**Subject:** Responding to Jane Murray of Portsmouth

Hi, Susan -- We need your input on a Portsmouth-related matter. One thing Gary and I had spoken about before he went on leave was coming up with a strategy to manage the influx of comments from the former mayor of Portsmouth, Jane Murray.

I've attached two examples of correspondence we've received from Ms. Murray. She appears to have the expectation that we will respond to each of her questions. We have concerns about how much access to information she expects. One thought is to treat each request as a FOIA. That obviously has its advantages and disadvantages. I'd like the four of us to sit down and talk about our options. We think you will have valuable input.

Some of her questions will be answered if/when we have a signed AOC, and we issue a formal response to the public comments received. As you know, we don't have an agreement yet. Once this is issued, however, we don't expect the questions will actually stop.

Another thing I wanted to let you know. Gary agreed that it would be a good idea for technical staff to meet with the City on the injunctive relief provisions of the order one last time. Given the extended timeline for the public comment period, some of the projects may actually be complete. We may tweak some of the dates. Sudhir and I (as well as Ohio EPA) are meeting with Rick Duncan and the Mayor on July 2<sup>nd</sup> in Portsmouth. Sudhir called Rick this morning to confirm that date. While on the call, Sudhir asked whether Rick expected his counsel at our July 2 meeting. Rick wasn't sure, but as this is meant to be a technical discussion, we obviously hope she does not intend to be there. We do need to discuss a few edits with them, and will be able to do that better live.

Would you have a chance either tomorrow, or next Tuesday, to sit down with us for half an hour or so?

Thanks -- Barbara  
63164





**Desai, Sudhir**

---

**From:** Jane Murray [mjanemurray@yahoo.com]  
**Sent:** Thursday, June 20, 2013 4:25 PM  
**To:** Desai, Sudhir  
**Subject:** Bob Forrey's blog changed

Hi Sudhir:

Wanted to let you know that Dr. Forrey changed his blog and so the one regarding the public meeting in February is at:

<http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

Also, I am in a meeting tomorrow until 11:00 am EDT. I would like to speak with you after that. If you can, please call me around 11:00 CDT.

thanks,

Jane

**M. Jane Murray**



## **Desai, Sudhir**

---

**From:** Perdomo, Susan  
**Sent:** Thursday, June 20, 2013 4:42 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth, OH/Request for a meeting

Sudhir – I don't think there is a hard and fast rule. I think we should be able to use our discretion and deem a request a FOIA request. But you should also think about any negative ramifications associated with such a designation. I'll be out of the office tomorrow. How about we meet on Monday in the morning? You pick a time before 11.30am. Sue

---

**From:** Desai, Sudhir  
**Sent:** Thursday, June 20, 2013 3:05 PM  
**To:** Perdomo, Susan  
**Subject:** Portsmouth, OH/Request for a meeting

Hi Sue,

I stopped by several times today to see you in person unannounced though. Sorry, I missed you. Please let me know if you have about 10 to 15 min. time to talk about the case.

Please call me when you get a chance and I will be at your wonderful office in no time.

A quick question you want to think about it.

When does a request for information/feedback from the USEPA becomes FOIA from a town resident if the requester has not used the word FOIA in his/her request?

Is he/she required to mention the word FOIA to get the information?

How does it impact if the case is under the enforcement action? If under no action? I do understand you may withheld the information that is Attorney Client work product.

Thx.

Sudhir  
6-6704



**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Thursday, June 20, 2013 5:39 PM  
**To:** Desai, Sudhir  
**Subject:** FW: YWDQTW-Exception Carrier Reservation-PORTSMOUTH  
**Attachments:** YWDQTW.pdf

**Importance:** High

Hi, Sudhir – Someone asked for help with GovTrip. Since I was logged in, I went ahead and did a TA. Please do yours ASAP. I think you should have plenty of flexibility with the times I chose (there were fewer flights in SW than before, so I didn't have more options unless we traveled much later both days).

One reason I'm asking you to do this ASAP is because Tracy is out. I will need to ask an APA to review your TA so that I may approve it.

Oh, and I rented a car.

Thanks - Barbara

---

**From:** NotificationIII [<mailto:notification3@cwtsatotravel.com>]  
**Sent:** Thursday, June 20, 2013 5:16 PM  
**To:** Vantil, Barbara  
**Subject:** YWDQTW-Exception Carrier Reservation

<<YWDQTW.pdf>>

Please be advised that the reservation booked is on an exception carrier which requires intervention from your Travel Management Company. Exception airlines require the TMC to contact them directly to issue your ticket. Therefore a full service fee will apply.

**\*\*Please do not reply to this email.\*\***



Trip on Jul 01, 2013

Locator: YWDQTW

Date: Jun 20, 2013

Traveler **BARBARA R VANTIL**  
AUTOMATION  
Customer Number 589GLS7  
Agent GT

IN THE FY13 GOVERNMENT CITY PAIR PROGRAM CPP YOUR  
AIR RESERVATION IS SUBJECT TO CANCELLATION BY THE  
AIRLINES IF NOT TICKETED AT LEAST 48 HOURS PRIOR  
TO SCHEDULED DEPARTURE.

\*\*\* DID YOU KNOW WE CAN ALSO BOOK YOUR HOTELS \*\*\*  
\*\*\* AND RENTAL CARS \*\*\*

Monday, July 01, 2013

Confirmation: AX2LZX



**Flight SOUTHWEST AIRLINES 354**

DEPARTURE  
**CHICAGO MIDWAY, IL**  
12:20 PM, Jul 01, 2013

ARRIVAL  
**COLUMBUS, OH**  
2:20 PM, Jul 01, 2013

Status Confirmed  
Class Coach Class - Y  
Duration 01:00 (Non-stop)  
Equipment Boeing 737 700 Jet  
Meal Service None

Monday, July 01, 2013

Confirmation: F8771217800-



**Car HERTZ**

PICK-UP  
3:30 PM, Jul 01, 2013  
**COLUMBUS, OH**  
614-239-3254

DROP-OFF  
12:30 PM, Jul 03, 2013

Reserved For BARBARA R VANTIL  
Status Confirmed  
Car Type SubCompact  
Rate USD 28.00/day  
Extra Hours USD 9.33  
Distance Allowance Unlimited  
Approximate Total USD 89.96/2 Days/33.96 Mandatory Charge

Monday, July 01, 2013

Confirmation: 66347986



**Hotel HOLIDAY INN PORTSMOUTH DOWNTWN**

LOCATION  
**711 SECOND STREET**  
**PORTSMOUTH, OH US 45662**

CONTACT  
**Tel 1-740-354-7711**  
**Fax 1-740-353-1539**

Reserved For BARBARA R VANTIL  
Status Confirmed  
Check-In Jul 01, 2013  
Check-Out Jul 03, 2013  
Number of Rooms 1  
Rate USD 77.00/night  
Cancellation Policy Cancel by 6PM  
Directions CINCINNATI NORTHERN KENTUCKY INTL AIRPORT

Wednesday, July 03, 2013

Confirmation: AX2LZX

**Flight SOUTHWEST AIRLINES 3963**

DEPARTURE  
**COLUMBUS, OH**  
1:20 PM, Jul 03, 2013

ARRIVAL  
**CHICAGO MIDWAY, IL**  
1:25 PM, Jul 03, 2013

|              |                    |
|--------------|--------------------|
| Status       | Confirmed          |
| Class        | Coach Class - Y    |
| Duration     | 01:05 (Non-stop)   |
| Equipment    | Boeing 737 700 Jet |
| Meal Service | None               |

| <u>Name</u>         | <u>Invoice / Ticket / Date</u> | <u>Base</u> | <u>Tax 1</u> | <u>Tax 2</u> | <u>Tax 3</u> | <u>Total</u>  |
|---------------------|--------------------------------|-------------|--------------|--------------|--------------|---------------|
|                     |                                | USD 314.42  | 23.58US      | 7.80ZP       | 14.00XT      | 359.80        |
| <b>Total Amount</b> |                                |             |              |              |              | <b>359.80</b> |

Form of Payment: CAXXXXXXXXXXX3417

**GENERAL INFORMATION**

THANK YOU FOR USING CWTSAOTRAVEL.  
LOCAL PHONE NUMBER IS 888-728-6377  
YOUR REFERENCE CODE IS \*\*\*SABRE 4MWF\*\*\*  
FARES ARE NOT GUARANTEED UNTIL TICKETED.  
ALL UNUSED TICKETS ARE TO BE RETURNED TO YOUR TMC OR  
TRAVEL COORDINATOR IMMEDIATELY UPON RETURNING OR WHEN  
A TRIP HAS BEEN CANCELLED.  
CHECK-IN FOR ALL FLIGHTS WILL REQUIRE PHOTO ID.  
VERIFY REQUIREMENTS TO INTERNATIONAL DESTINATIONS.  
IF CHANGES NEED TO BE MADE TO YOUR ELECTRONIC  
TICKET RESERVATION, PLEASE CALL SATOTRAVEL  
TO MAKE THOSE CHANGES WHENEVER POSSIBLE.  
TO CANCEL A HOTEL RESERVATION, PLEASE CONTACT SATOTRAVEL  
TO OBTAIN A CANCELLATION TRACKING NUMBER. THIS NUMBER  
WILL BE REQUIRED FOR ANY FUTURE INQUIRIES.  
IN SOME INSTANCES WE MAY NOT BE ABLE TO OBTAIN PRE  
RESERVED SEAT ASSIGNMENTS. IF THIS IS THE CASE  
PLEASE RECEIVE SEAT ASSIGNMENTS AT CHECK IN.  
PLEASE NOTE \*\* EACH TRAVELER LISTED IN THIS ITINERARY  
AGREES TO THE TERMS AND CONDITIONS, WHICH ARE PART OF  
THIS TRANSACTION, AS SET FORTH IN THE AGTS WEB SITE AT  
[WWW.SATOTRAVEL.COM/CONTENT/TERMSITIN.HTM](http://WWW.SATOTRAVEL.COM/CONTENT/TERMSITIN.HTM)

-----  
PLEASE VISIT [WWW.CARLSONWAGONLIT.COM/AIRLINEBAGGAGEFEES](http://WWW.CARLSONWAGONLIT.COM/AIRLINEBAGGAGEFEES)  
FOR INFORMATION ON FREE BAGGAGE ALLOWANCES AND/OR  
APPLICABLE FEES FOR CARRY-ON AND CHECKED BAGGAGE  
RELATED TO YOUR FLIGHT.  
-----

\*\*\*DID YOU KNOW WE CAN ALSO BOOK YOUR HOTELS AND RENTAL CARS\*\*



## Desai, Sudhir

---

From: Perdomo, Susan  
Sent: Friday, June 21, 2013 7:33 AM  
To: Desai, Sudhir  
Subject: RE: Portsmouth, OH/Request for a meeting

Sudhir - I am available at 8:00 am on Monday and we can meet in my office. Have a good weekend, Sue

---

From: Desai, Sudhir  
Sent: Friday, June 21, 2013 7:16 AM  
To: Perdomo, Susan  
Subject: RE: Portsmouth, OH/Request for a meeting

Sue-Thank you for accommodating my request. How about 8 am in your office? I will be the only one.

i will check Dean and Barbara's schedules and let you know the time before 11 am today.

Thanks.

Sudhir

---

From: Perdomo, Susan  
Sent: Thursday, June 20, 2013 4:42 PM  
To: Desai, Sudhir  
Subject: RE: Portsmouth, OH/Request for a meeting

Sudhir - I don't think there is a hard and fast rule. I think we should be able to use our discretion and deem a request a FOIA request. But you should also think about any negative ramifications associated with such a designation. I'll be out of the office tomorrow. How about we meet on Monday in the morning? You pick a time before 11.30am. Sue

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To: Perdomo, Susan  
Subject: Portsmouth, OH/Request for a meeting

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I stopped by several times today to see you in person unannounced though. Sorry, I missed you. Please let me know if you have about 10 to 15 min. time to talk about the case.

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Is he/she required to mention the word FOIA to get the information?

How does it impact if the case is under the enforcement action? If under no action? I do understand you may withheld the information that is Attorney Client work product.

Thx.

Sudhir  
6-6704

## Desai, Sudhir

---

From: Jane [mjanemurray@yahoo.com]  
Sent: Friday, June 21, 2013 7:48 AM  
To: Desai, Sudhir  
Subject: Re: Bob Forrey's blog changed

Hi Sudhir:

11:30 CST works.

Jane

M. Jane Murray

On Jun 21, 2013, at 8:09 AM, "Desai, Sudhir" <[desai.sudhir@epa.gov](mailto:desai.sudhir@epa.gov)> wrote:

> Thank you Jane. I will call you at 12:30 pm central/11:30 am .

>

> Thank you for providing the web site address.

>

> Sudhir

>

> From: Jane Murray [mjanemurray@yahoo.com]

> Sent: Thursday, June 20, 2013 4:25 PM

> To: Desai, Sudhir

> Subject: Bob Forrey's blog changed

>

> Hi Sudhir:

>

> Wanted to let you know that Dr. Forrey changed his blog and so the one regarding the public meeting in February is at:

>

> <http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

>

> Also, I am in a meeting tomorrow until 11:00 am EDT. I would like to speak with you after that. If you can, please call me around 11:00 CDT.

>

> thanks,

>

> Jane

>

>

> M. Jane Murray

>



**Desai, Sudhir**

---

**From:** Desai, Sudhir  
**Sent:** Friday, June 21, 2013 8:45 AM  
**To:** Perdomo, Susan  
**Subject:** FW: Bob Forrey's blog changed

Hi Sue,

I will appreciate if you can read this blog. A perspective from one of the learned professor.

<http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

Sudhir



**Desai, Sudhir**

---

**From:** R5-15-06.epa.gov@mintra01.rtp.epa.gov  
**Sent:** Monday, June 24, 2013 2:36 PM  
**To:** Desai, Sudhir  
**Subject:** Message from "R5-15-06"  
**Attachments:** 20130624143541648.pdf

This E-mail was sent from "R5-15-06" (Aficio MP 6001).

Scan Date: 06.24.2013 14:35:41 (-0500)  
Queries to: R5-15-06.epa.gov







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

EXEMPTION CERTIFICATE

TAX ON OCCUPANCY OF HOTEL ROOM

TAX NUMBER - 520 852 695

TO BE RETAINED BY OPERATORS OF  
HOTELS AND SIMILAR ACCOMMODATIONS  
AS EVIDENCE OF EXEMPT OCCUPANCY

Holiday Inn

NAME OF LODGING FACILITY

June 24, 2013.  
DATE

711 Second Street

Portsmouth, OH 45662  
ADDRESS

This is to certify that I, the undersigned, am representative of the United States governmental department or agency indicated below; that the charges for the occupancy at the above establishment on the dates set forth below have been or will be paid for by such governmental unit; and that such charges are incurred in the performance of my official duties as an employee or representative of the government.

July 1, 2013  
DATES OF OCCUPANCY

through

July 3, 2013

United States Environmental Protection Agency  
DEPARTMENT/AGENCY

77 West Jackson Blvd.  
Chicago, IL 60604

Sudhir Desai  
EMPLOYEE'S NAME

Env. Engineer  
EMPLOYEE'S TITLE

[Signature]  
EMPLOYEE'S SIGNATURE

NOTE: Operators of hotels, etc., should not accept this certificate unless the person presenting it shows satisfactory credentials. A separate exemption certificate is required for each occupancy and for each representative.

Tel #

74-354-7711



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REGION 5

77 WEST JACKSON BOULEVARD

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DATES OF OCCUPANCY

through

July 3, 2013

United States Environmental Protection Agency,  
DEPARTMENT/AGENCY

77 West Jackson Blvd.  
Chicago, IL 60604

Barbara R. VanTil  
EMPLOYEE'S NAME

Chief / WCA's,  
EMPLOYEE'S TITLE

B.R.V.  
EMPLOYEE'S SIGNATURE

NOTE: Operators of hotels, etc., should not accept this certificate unless the person presenting it shows satisfactory credentials. A separate exemption certificate is required for each occupancy and for each representative.

Tel # 74-354-7711

## Desai, Sudhir

---

**From:** Perdomo, Susan  
**Sent:** Monday, June 24, 2013 4:33 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Cc:** Prichard, Gary  
**Subject:** RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Sudir and Barbara - Portsmouth's attorney contacted me late this afternoon to let me know that she will be attending the July 2 meeting by telephone. I told her that it is my understanding that the meeting has been scheduled to discuss technical issues, such as the revised milestone dates in the AOC, and that I did not intend to actively participate. In the event a legal matter/issue arises, I told her that we would table the discussion until the two of you were back in the office to discuss and that we would provide a response after the three of us met. Jessica agreed with this strategy. Thanks, Sue

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Friday, June 21, 2013 3:23 PM  
**To:** Vantil, Barbara  
**Cc:** Perdomo, Susan  
**Subject:** Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Hi Barbara,

Rick Duncan called me this afternoon. He stated that he will arrange a conference room for our July 2, 2013 meeting at 1 pm with the City. He met with their attorney Jessica DeMonte(sp.) and Kris Ruggles today. They plan to propose new dates for the projects in our proposed ACO. He will share City's proposal with us some times next week. He stated that the following personnel will be at the meeting:

1. Mayor Malone
2. John Hess, City Solicitor
3. Jessica DeMonte, City's outside attorney
4. Kris Ruggles, Strand
5. Rick Duncan, City of Portsmouth

If we agree with his changes, Rick plans to put forward his ACO proposal before the City Council meeting on July 8, 2013. Rick thinks there may be a few more City Council readings before the final decision is made regarding the ACO.

The discussion lasted about 10 min. He can be reached at 740/353-0241.

Thank you.

Sudhir Desai  
312/886-6704



## **Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Monday, June 24, 2013 4:34 PM  
**To:** Perdomo, Susan; Desai, Sudhir  
**Cc:** Prichard, Gary  
**Subject:** RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

Thanks for following up, Sue. Sounds like a plan.

Barbara

-----Original Message-----

**From:** Perdomo, Susan  
**Sent:** Monday, June 24, 2013 4:33 PM  
**To:** Desai, Sudhir; Vantil, Barbara  
**Cc:** Prichard, Gary  
**Subject:** RE: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

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**Cc:** Perdomo, Susan  
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Thank you.

Sudhir Desai  
312/886-6704

## Desai, Sudhir

---

**From:** Vantil, Barbara  
**Sent:** Monday, June 24, 2013 4:36 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth, OH/Question

We can't say he can't come.

---

**From:** Desai, Sudhir  
**Sent:** Monday, June 24, 2013 4:33 PM  
**To:** Vantil, Barbara  
**Subject:** Portsmouth, OH/Question

Hi Barbara,

As you may recall, Rick Duncan plans to invite Kris Ruggles of Strand to attend our July 2, 2013 ACO meeting with the City. We had requested Rick Duncan that the meeting be between the City, attorneys and the regulators. Do you want to allow Strand folks at the meeting? I have serious reservations about allowing them because we plan to talk some issues that are beyond the engineering aspects of the projects. Just a thought for you to consider.

Thank you.

Sudhir





**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Monday, June 24, 2013 4:36 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth, OH/Question

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---

**From:** Desai, Sudhir  
**Sent:** Monday, June 24, 2013 4:33 PM  
**To:** Vantil, Barbara  
**Subject:** Portsmouth, OH/Question

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As you may recall, Rick Duncan plans to invite Kris Ruggles of Strand to attend our July 2, 2013 ACO meeting with the City. We had requested Rick Duncan that the meeting be between the City, attorneys and the regulators. Do you want to allow Strand folks at the meeting? I have serious reservations about allowing them because we plan to talk some issues that are beyond the engineering aspects of the projects. Just a thought for you to consider.

Thank you.

Sudhir



**Desai, Sudhir**

---

**From:** Prichard, Gary  
**Sent:** Monday, June 24, 2013 11:01 PM  
**To:** Desai, Sudhir  
**Subject:** Automatic reply: Record of Telephone conversation with Rick Duncan, Portsmouth, OH/July 2, 2013 meeting

I will be out of the office and will not be checking email or voice mail messages until July 9. If you cannot wait until July 9 for a reply, please contact my supervisor, Stephen Mendoza, at [mendoza.stephen@epa.gov](mailto:mendoza.stephen@epa.gov).



**Desai, Sudhir**

---

**From:** David Malone [DMalone@portsmouthoh.org]  
**Sent:** Tuesday, June 25, 2013 5:07 PM  
**To:** Desai, Sudhir  
**Cc:** Duncan, Rick  
**Subject:** RE: conference call Portsmouth, OH/June 12, 2013

Mr. Desai,

I have no agenda items for discussion at this time. I do look forward to our meeting together. We will be meeting in my office, if not in the conference room adjacent to my office. Should there be anything that you will need from me prior to our meeting, please let me know.

Thank you, Sir!

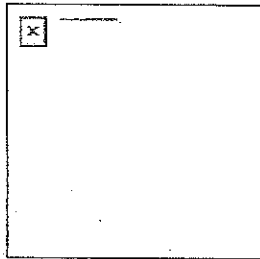
**David A. Malone**

Mayor

728 Second Street Rm 1

Portsmouth, Ohio 45662

Ph. (740)354-8807 - Fx. (740)354-8809



---

**From:** Desai, Sudhir [mailto:desai.sudhir@epa.gov]  
**Sent:** Wednesday, June 19, 2013 4:15 PM  
**To:** David Malone  
**Subject:** FW: conference call Portsmouth, OH/June 12, 2013

Good Afternoon Mayor Malone,

Rick has confirmed today our meeting with the City on July 2, 2013 at 1:00 PM eastern time to discuss the proposed Administrative Order on Consent. I am developing the meeting agenda for the meeting that I plan to share with you. Please let me know if you have any agenda items that you would like to discuss during this meeting. Do we meet at your City Hall office? Please let me know.

Thank you.

Sudhir Desai  
USEPA, Region 5/WECA  
312/886-6704

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

## Desai, Sudhir

---

From: Vantil, Barbara  
Sent: Wednesday, June 26, 2013 12:08 PM  
To: Desai, Sudhir  
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

I thought you had confirmed with Sue that she would be calling in??

If you reread the agenda, there are two number 5s. Also, even though we may want to discuss something, that doesn't always mean it's appropriate for putting into the agenda explicitly. Please take a look at the agenda, consider my comments, and let me know what you would change on the agenda.

Thanks- Barbara

-----Original Message-----

From: Desai, Sudhir  
Sent: Wednesday, June 26, 2013 11:37 AM  
To: Vantil, Barbara  
Subject: RE: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Please review the agenda so I can email them today.

Thank you.

---

sudhir  
From: Desai, Sudhir  
Sent: Monday, June 24, 2013 8:57 AM  
To: Vantil, Barbara  
Subject: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Here is the proposed agenda for Portsmouth meeting next Tuesday, July 2, 2013 at 1 pm in Portsmouth. Please review the agenda and let me know your feedback. Rick Duncan has promised to provide a conference room for the meeting. He has not indicated who others will attend from the City Council, if any. We had two city Council members during the last meeting as you may recall (Kevin Johnson and Steve Sturgill).

I think since the attorney for the City ( Haas) and their outside legal counsel ( DeMonte) are going to be present, it will be a good idea to have Susan Perdomo via conference call. Just a thought for you to consider.

Thank you.

Sudhir

Agenda

1. Munn's Run work (Duncan- 15 min.- Status report on the project, who will be presenting the project details, how data will be transferred to EPA/OEPA) 2. Lawson Run Sewer Walk through

project (Duncan- 15 min.- Discussion on the actual conditions of the Lawson Run, walk through the pix discussion, etc.)

3. Upper Grandview work (Duncan-15 min.- has the tentative date has been set for the project, who will present the project, technical details and drawing available for bidding, how data will be transferred to EPA/OEPA and when)

4. Downspout Disconnection project report (Duncan- 10 min.- Any additional feedback from the residents, number of requests received for consultation with the City) 5. Discussion about MOM and other plans (Duncan- 15 min- when will the process begin to prepare MOM, who will prepare it, etc.)

5. ACO comments/concerns ( 30 min.EPA/OEPA and Portsmouth):

-Status of info requested by City Council -Timelines moving toward signature -Ramifications if ACO is not signed -Why additional time is needed for the projects ( what is ready and what items Portsmouth is working on now, who is working on the issues)



## Desai, Sudhir

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 26, 2013 12:50 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

Hi, Sudhir - your most recent email doesn't have any text. Please resend.

Barbara

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 26, 2013 12:28 PM  
**To:** Vantil, Barbara  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

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**From:** Vantil, Barbara  
**Sent:** Wednesday, June 26, 2013 12:08 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

I thought you had confirmed with Sue that she would be calling in??

If you reread the agenda, there are two number 5s. Also, even though we may want to discuss something, that doesn't always mean it's appropriate for putting into the agenda explicitly. Please take a look at the agenda, consider my comments, and let me know what you would change on the agenda.

Thanks- Barbara

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 26, 2013 11:37 AM  
**To:** Vantil, Barbara  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Please review the agenda so I can email them today.

Thank you.

---

sudhir  
**From:** Desai, Sudhir  
**Sent:** Monday, June 24, 2013 8:57 AM  
**To:** Vantil, Barbara  
**Subject:** Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara,

Here is the proposed agenda for Portsmouth meeting next Tuesday, July 2, 2013 at 1 pm in Portsmouth. Please review the agenda and let me know your feedback. Rick Duncan has promised to provide a conference room for the meeting. He has not indicated who others will attend from the City Council, if any. We had two city Council members during the last meeting as you may recall (Kevin Johnson and Steve Sturgill).

I think since the attorney for the City ( Haas) and their outside legal counsel ( DeMonte) are going to be present, it will be a good idea to have Susan Perdomo via conference call. Just a thought for you to consider.

Thank you.

Sudhir

#### Agenda

1. Munn's Run work (Duncan- 15 min.- Status report on the project, who will be presenting the project details, how data will be transferred to EPA/OEPA)
2. Lawson Run Sewer Walk through project (Duncan- 15 min.- Discussion on the actual conditions of the Lawson Run, walk through the pix discussion, etc.)
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  - Status of info requested by City Council
  - Timelines moving toward signature
  - Ramifications if ACO is not signed
  - Why additional time is needed for the projects ( what is ready and what items Portsmouth is working on now, who is working on the issues)

## Desai, Sudhir

**From:** Vantil, Barbara  
**Sent:** Wednesday, June 26, 2013 12:59 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

Hi, Sudhir - looks great. I always do one version with the notes on what I want to discuss, and the short/clean version for distribution.

One typo - Chnages. Please do send on to folks.

Thanks - Barbara

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Wednesday, June 26, 2013 12:56 PM  
**To:** Vantil, Barbara  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

Barbara,

Thank you for your comments/suggestions. I tweak the agenda now. Please look at it again. Please see the corrected agenda at the end of this message.

Since ACO covers the MOM, I thought not to make this matter as an agenda item. Status of various projects should cover the details about each one of them. No need to clarify any further. Once we have a call in number for Sue from the City, she can call or Portsmouth can call her in. I could not confirm who will call since Rick and Mayor needed time to hammer out the logistics.

Thank you.

Sudhir

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**From:** Vantil, Barbara  
**Sent:** Wednesday, June 26, 2013 12:08 PM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth Meeting Agenda/July 2, 2013

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Thank you.

Sudhir

Agenda

1. Munn's Run Project work (Duncan- 15 min.- Status report on the project)
2. Lawson Run Sewer Walk through project (Duncan- 15 min.- Walkthrough Findings/Discussion)
3. Upper Grandview work (Duncan-15 min.- Project Status Update)
- 4 ACO Discussion (30 min. -EPA/OEPA and Portsmouth):  
-Chnages requested by Portsmouth

## Desai, Sudhir

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**From:** Desai, Sudhir  
**Sent:** Wednesday, June 26, 2013 2:40 PM  
**To:** Desai, Sudhir; Vantil, Barbara; 'Foster, Scott'; 'Witte, Jennifer'; rduncan1@falcon1.net; David Malone; Perdomo, Susan  
**Subject:** FW: Portsmouth Meeting Agenda/July 2, 2013

Hi Barbara, Mayor Malone, Rick, Jennifer, Scott and Sue

Here is the proposed agenda for our July 2, 2013 meeting at 1 PM eastern time/12 pm central time in Mayor's office. Please share the agenda with your team members.

I will appreciate if Mayor Malone and or Rick can provide the call in number for the EPA's attorney Susan Perdomo to participate.

### Agenda

1. Munn's Run Project work (Duncan- 15 min.- Status report on the project)
2. Lawson Run Sewer Walk through project (Duncan- 15 min.- Walkthrough Findings/Discussion)
3. Upper Grandview work (Duncan-15 min.- Project Status Update)
- 4 ACO Discussion (30 min. -EPA/OEPA and Portsmouth):  
-Changes requested by Portsmouth

Thank you.

Sudhir Desai  
Telephone number: 312/886-6704



## Desai, Sudhir

---

**From:** Jane Murray [mjanemurray@yahoo.com]  
**Sent:** Monday, July 01, 2013 12:23 PM  
**To:** Desai, Sudhir  
**Cc:** Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell; scott.foster@epa.state.oh.us  
**Subject:** Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

### M. Jane Murray

----- Forwarded Message -----

**From:** L Essman <lessman@roadrunner.com>  
**To:** Robert Forrey <robert.rforr1@gmail.com>; Richard Noel <noelricharde@hotmail.com>; Austin <leedomastin@yahoo.com>; Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Monday, July 1, 2013 10:58 AM  
**Subject:** FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

-----Original Message-----

**From:** L Essman [mailto:lessman@roadrunner.com]  
**Sent:** Monday, July 01, 2013 10:56 AM  
**To:** Steve Sturgill  
**Cc:** councilmembermeadows@gmail.com; kwwj@roadrunner.com; kevinel1954@hotmail.com; rich@saddler.me  
**Subject:** RE: Grandview flooding

Steve et al,

I had never seen flooding on Grandview to the extent it occurred on Saturday. We could not even leave the house to go to church. The whole street virtually turned into a river. What was really different was water continued to come up out of the 'drip sewers' and run down the street even twenty minutes or more after the rain had stopped. Howard Baughman's brother in law told Loretta that he had never seen that happen before and I had never seen it happen either.

It appears to me the situation is deteriorating in this neighborhood. We

need action not more studies of the problem. The City has been studying the problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

In stead of paying for more studies it might be cheaper to buy out the property owners in the 2400 block of Grandview and turn the block into a parting lot for the hospital of some other use.

Again, I thank all of you for your concern about this problem. I hope that we can begin to see some real progress.

LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:[sssturgill@zoomnet.net](mailto:sssturgill@zoomnet.net)]

Sent: Monday, July 01, 2013 8:04 AM

To: L Essman

Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles. Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <[lessman@roadrunner.com](mailto:lessman@roadrunner.com)> wrote:

> Gene,

>

> This last rain completely flooded Grandview. Water was shooting up out of  
> all storm sewer and the street was completely flooded flooded.

>

> Water is still running down the east side of the street from the  
> intersection of 25th Street. There is no water entering the drip sewer.

My

> neighbor and I think the water is seeping up throught the blacktop. If  
you

> are close by you may want to come by and look at this.

>

> So far I am only getting the seepage caused by Rick's downspout removal  
> program.

>



> Larry  
>



**Desai, Sudhir**

---

**From:** David Malone [DMalone@portsmouthoh.org]  
**Sent:** Wednesday, July 03, 2013 1:46 PM  
**To:** rduncan1@falcon1.net; Desai, Sudhir; Barbara.Vantil@epamail.epa.gov;  
jennifer.witte@epa.state.oh.us; scott.foster@epa.state.oh.us  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net  
**Subject:** RE: Council Letter for AOC for Monday July 8

Ladies & Gentlemen,

In reviewing the timeframe for executing engineering agreements for the design of the 25th & Coles Retention Basin and design of the 2300 Block of Grandview Avenue Storage Projects (Pages 10 & 11), I notice the date in the DAO is 9/1/2013 for both projects. This will not allow us time to solicit proposals from prospective consultants, review the proposals and have three readings before enacting the required legislation as requested by Council.

In order to meet our commitments as required by Ohio and Council, the date for execution of the two engineering agreements will have to be no earlier than October 15, 2013.

Rick, as I asked on numerous occasions and, to comply with Council's wish, please prepare an advertisement to solicit qualifications from professional engineering firms as soon as possible to meet this requirement.

Thank all of you for your time and commitment to this process. Everyone have a great holiday and weekend as well.

My Very Best,

Mayor David Malone

---

**From:** [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net) [rduncan1@falcon1.net]  
**Sent:** Wednesday, July 03, 2013 10:31 AM  
**To:** David Malone  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.  
**Subject:** Council Letter for AOC for Monday July 8

Mayor,

Attached are the Council Letter we discussed yesterday and a revised AOC which would accompany the Council Letter.

Richard Duncan, P.E.  
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office  
740-357-0128 Cell



**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Wednesday, July 03, 2013 2:39 PM  
**To:** David Malone; rduncan1@falcon1.net; Desai, Sudhir; Barbara.Vantil@epamail.epa.gov; Witte, Jennifer  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net  
**Subject:** RE: Council Letter for AOC for Monday July 8

Mayor Malone:

The Ohio EPA and USEPA have scheduled an internal conference call for Monday the 8th of July to discuss the proposed changes to the AOC. We will inform the city as soon as possible to our decision. You have a great holiday as well.

Sincerely,

Scott Foster  
Environmental Specialist 2  
Division of Surface Water  
Southeast District  
Ohio EPA  
740-380-5227  
[scott.foster@epa.ohio.gov](mailto:scott.foster@epa.ohio.gov)

-----Original Message-----

**From:** David Malone [<mailto:DMalone@portsmouthoh.org>]  
**Sent:** Wednesday, July 03, 2013 2:46 PM  
**To:** [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net); [Desai.Sudhir@epamail.epa.gov](mailto:Desai.Sudhir@epamail.epa.gov); [Barbara.Vantil@epamail.epa.gov](mailto:Barbara.Vantil@epamail.epa.gov); Witte, Jennifer; Foster, Scott  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; [sssturgill@zoomnet.net](mailto:sssturgill@zoomnet.net)  
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740-353-0241 Office  
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**Desai, Sudhir**

---

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**Sent:** Thursday, July 04, 2013 12:08 AM  
**To:** David Malone  
**Cc:** Desai, Sudhir; Barbara.Vantil@epamail.epa.gov; jennifer.witte@epa.state.oh.us; scott.foster@epa.state.oh.us; John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net  
**Subject:** RE: Council Letter for AOC for Monday July 8  
**Attachments:** ATT00001.txt; RFQ-LTCP-Nov 12.docx

Mayor Malone,

I am concerned that you may have been given some wrong information. I strongly recommend against any request for a time extension beyond what was discussed with US EPA and Ohio EPA when we met with them yesterday (July 2).

In November 2012, I sent a "request for qualifications" (RFQ) to several consulting firms which I had reason to believe had the ability to perform the engineering services needed to satisfy EPA requirements. (A copy of the RFQ is attached with this email.)

The RFQ was sent to 6 firms. I reviewed the qualifications of the firms who responded, and I recommended to you and City Council that Strand Associates be selected to perform the work, based on their qualifications and their previous experience with the City. Subsequently, Council authorized a contract with Strand and you signed it.

The selection process was in compliance with Ohio Revised Code 153.65-.73 (Ohio's Qualifications-Based Selection Law). At the time, I spoke with Donald Mader, Executive Director of the American Council of Engineering Companies of Ohio for his advice to make sure that state law was followed.

Strand personnel have assisted me in extensive negotiations with US EPA and Ohio EPA and they prepared the Facilities Plan that was required by EPA. (A copy of the plan was previously forwarded to you and Council.) Strand's efforts have been crucial to assisting us in arriving at the proposed AOC which would commit the City to around \$5 million in capital costs rather than the \$70 million Long Term Control Plan that was submitted to US EPA in 2010.

I am confident that Strand is qualified to continue the work. If you have reason to believe that Strand is not qualified or if you believe their work has not been satisfactory in some way, please let me know. Otherwise I recommend against selecting a different firm for the design of the stormwater projects, for which Strand has already done significant preliminary engineering during the development of the AOC.

However, if you wish select a different consultant, I recommend that we choose from among the qualification statements which were solicited in November 2012. To begin a whole new selection process is not necessary and would needlessly delay the execution of the AOC.

I hope that we can resolve this matter ASAP so we can assure EPA that we still support the time frame that we discussed with them in your office. I believe it would not be in the City's best interests if the Agency were to get the impression that we were trying to delay the approval of the AOC.

Respectfully submitted,

Richard Duncan, P.E.  
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## **Request for Qualifications**

The City of Portsmouth intends to contract for engineering services in connection with (1) Consent Order Negotiations with USEPA and (2) Preliminary and design engineering for Stormwater projects. Firms interested in being considered for a contract to provide the required services should reply with a statement of qualifications no later than 4:00 pm on Wednesday, November 28, 2012. Statements received after this deadline will not be considered.

Statements of qualifications should include information regarding the firm's history; education and experience of key technical personnel; the technical expertise of the firm's current staff; the firm's experience in performing engineering studies, design, construction administration and construction observation; availability of staff; the firm's equipment and facilities; references; and any previous work performed for the City of Portsmouth.

Statements of qualifications should be transmitted to: Richard Duncan, P.E., 2040 Charles Street, Portsmouth, Ohio 45662.

As required by Ohio Revised Code §153.65-73, responding firms will be evaluated and ranked in order of their qualifications. Following this evaluation, the City of Portsmouth will enter into contract negotiations with the most highly qualified firm.

The preliminary project description is as follows:

Description of Projects: (1) Professional assistance related to USEPA Consent Order Negotiations regarding the City's Long Term Control Plan, (2) Preliminary Engineering for Stormwater Projects to be constructed in accordance with the Long Term Control Plan.

Special Requirements: Knowledge of CSO regulations and previous experience assisting municipalities in negotiating agreements with the federal government are major consideration for portions of this work. Knowledge and expertise with respect to stormwater mitigation.



**Desai, Sudhir**

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**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; ssturgill@zoomnet.net  
**Subject:** Recent wastewater flow levels for Grandview and Munn's Run  
**Attachments:** 20130704094434586.pdf; 20130704094450541.pdf

As a follow-up to our discussion on July 2, I have attached scans of SCADA readings for the manhole at 23rd and Grandview and for the Munn's Run pump station.

1)As we discussed on Tuesday, we had a large amount of rain on Saturday June 29. The water level in the Grandview/23rd manhole exceeded 8 feet (up to 8.3 feet) for less than one-half hour. Our experience indicates that is NOT enough to cause basement flooding.

The last time we had any water-in-basement complaints from the Grandview area was July 8, 2011. At that time two residents called in: Larry Essman and Bob Hunt. Mr. Essman said that a small amount of water rose out of his floor drain (about one inch) and it receded after a few minutes.

This corresponds with our data which indicated that the level in the manhole reached 9.4 feet for less than 5 minutes on July 8, 2011.

2. Also please see the attached 60-day graph for the Munn's Run pump station that shows major flow reductions since late May. This correlates with the sewer lining work that has been ongoing in the North Moreland area, as we discussed.

Richard Duncan, P.E.  
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office





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**Attachments:** 20130704094434586.pdf; 20130704094450541.pdf

As a follow-up to our discussion on July 2, I have attached scans of SCADA readings for the manhole at 23rd and Grandview and for the Munn's Run pump station.

1) As we discussed on Tuesday, we had a large amount of rain on Saturday June 29. The water level in the Grandview/23rd manhole exceeded 8 feet (up to 8.3 feet) for less than one-half hour. Our experience indicates that is NOT enough to cause basement flooding.

The last time we had any water-in-basement complaints from the Grandview area was July 8, 2011. At that time two residents called in: Larry Essman and Bob Hunt. Mr. Essman said that a small amount of water rose out of his floor drain (about one inch) and it receded after a few minutes.

This corresponds with our data which indicated that the level in the manhole reached 9.4 feet for less than 5 minutes on July 8, 2011.

2. Also please see the attached 60-day graph for the Munn's Run pump station that shows major flow reductions since late May. This correlates with the sewer lining work that has been ongoing in the North Moreland area, as we discussed.

Richard Duncan, P.E.  
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office



**Desai, Sudhir**

---

**From:** Jane Murray [mjanemurray@yahoo.com]  
**Sent:** Sunday, July 07, 2013 4:29 PM  
**To:** Councilmember Meadows; Kevin W.W. Johnson; Kevin E Johnson; Larry Essman  
**Cc:** Desai, Sudhir; Maraldo, Dean; Vantil, Barbara; Steve Canter;  
Richard.howerton@howertoneng.com  
**Subject:** Fw: Fw: Storm, May 16, 2013

Unfortunately, I think Donna reflects most of the residents in the immediately affected area. No one really understands the big picture nor the costs associated with implementing ANY Long Term Control Plan - the largest expenditure the city will have made in prior decades and in the future.

I do hope you can get some real answers from Duncan and Strand Monday night.

Jane

**M. Jane Murray**

----- Forwarded Message -----

**From:** Donna Voorheis <donna Voorheis40@gmail.com>  
**To:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Sunday, July 7, 2013 3:46 PM  
**Subject:** Re: Fw: Storm, May 16, 2013

they only gave us more grief I don't have much hope for any solutions from our city thanks for your persistence

On Fri, May 17, 2013 at 12:03 PM, Jane Murray <mjanemurray@yahoo.com> wrote:  
FYI.

Jane

**M. Jane Murray**

----- Forwarded Message -----

**From:** Jane Murray <mjanemurray@yahoo.com>  
**To:** L Essman <lessman@roadrunner.com>; "Desai.Sudir@epamail.epa.gov" <Desai.Sudir@epamail.epa.gov>  
**Cc:** "ssturgill@zoomnet.net" <ssturgill@zoomnet.net>; "kwwj@roadrunner.com" <kwwj@roadrunner.com>; "councilmembermeadows@gmail.com" <councilmembermeadows@gmail.com>; "kevine1954@hotmail.com" <kevine1954@hotmail.com>; "Rich@saddler.me" <Rich@saddler.me>; Dean Maraldo <maraldo.dean@epamail.epa.gov>  
**Sent:** Friday, May 17, 2013 12:00 PM  
**Subject:** Re: Storm, May 16, 2013

Sudhir

Would you please get the rainfall and bypass reports as well and email copies?

Thank you.

Jane

M. Jane Murray

---

**From:** L Essman <[lessman@roadrunner.com](mailto:lessman@roadrunner.com)>  
**To:** [Desai.Sudir@epamail.epa.gov](mailto:Desai.Sudir@epamail.epa.gov)  
**Cc:** [ssturgill@zoomnet.net](mailto:ssturgill@zoomnet.net); [kwwj@roadrunner.com](mailto:kwwj@roadrunner.com);  
[councilmembermeadows@gmail.com](mailto:councilmembermeadows@gmail.com); [kevine1954@hotmail.com](mailto:kevine1954@hotmail.com);  
[Rich@saddler.me](mailto:Rich@saddler.me); Jane Murray <[mjanemurray@yahoo.com](mailto:mjanemurray@yahoo.com)>  
**Sent:** Friday, May 17, 2013 11:56 AM  
**Subject:** Storm, May 16, 2013

Sudir,

Jane indicated you wanted information on the storm that occurred yesterday, May 16, 2013. I do not know how much rain fell since I was in my basement tending to the seepage that has been caused by the City's downspout removal program. I received seepage on both the North and South sides of my home. The neighbor on the North side of our home has actually cut a channel that routes the downspout water directly toward our house rather than run the water into the grassy area in the front of her own house where it would be absorbed.

There is no follow up or regulation by City officials of the downspout removal program. The program has just created another problem. I don't think the average citizen is capable of assessing the effect of their downspouts on their neighbors. Unless the city develops some standards for downspout placement, these problems will continue. An ordinance should be adopted regulated downspout placement and direction.

A lot of rain fell between 3:00 and 3:30 yesterday afternoon. Water was shooting up from the sewer on 25th Street and also from the sewer in the middle of Grandview in front of our home. This is the first time I have witnessed it shooting up from the Grandview sewer. A city truck showed up about 3:45 and was inspecting the sewer on Grandview. The driver said we had received 3 to 5 inches of rain in less than an hour and other streets were also flooded. Fortunately the sewers did not back up into our basement, but we did have to deal with the seepage now.

We don't hold much hope anymore for resolution of the problem by the City. We really don't think they have the personnel competent to deal with the problem and Council never gets all the details.

We hope you and the EPA keep the pressure on the city. We feel it is our only hope.

Thank you for all your efforts to date.

Larry And Loretta Essman  
2417 Grandview  
Portsmouth





**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Monday, July 08, 2013 7:56 AM  
**To:** Foster, Scott; Desai, Sudhir; Witte, Jennifer  
**Subject:** RE: Council Letter for AOC for Monday July 8

How about 1 Eastern/12 Central?

-----Original Message-----

**From:** Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]  
**Sent:** Wednesday, July 03, 2013 2:41 PM  
**To:** Vantil, Barbara  
**Subject:** FW: Council Letter for AOC for Monday July 8

For some reason it kicked back so I am forwarding it to you.

-----Original Message-----

**From:** Foster, Scott  
**Sent:** Wednesday, July 03, 2013 3:39 PM  
**To:** 'David Malone'; [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net); [Desai.Sudhir@epamail.epa.gov](mailto:Desai.Sudhir@epamail.epa.gov); [Barbara.Vantil@epamail.epa.gov](mailto:Barbara.Vantil@epamail.epa.gov); Witte, Jennifer  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; [ssturgill@zoomnet.net](mailto:ssturgill@zoomnet.net)  
**Subject:** RE: Council Letter for AOC for Monday July 8

Mayor Malone:

The Ohio EPA and USEPA have scheduled an internal conference call for Monday the 8th of July to discuss the proposed changes to the AOC. We will inform the city as soon as possible to our decision. You have a great holiday as well.

Sincerely,

Scott Foster  
Environmental Specialist 2  
Division of Surface Water  
Southeast District  
Ohio EPA  
740-380-5227  
[scott.foster@epa.ohio.gov](mailto:scott.foster@epa.ohio.gov)

-----Original Message-----

**From:** David Malone [<mailto:DMalone@portsmouthoh.org>]  
**Sent:** Wednesday, July 03, 2013 2:46 PM  
**To:** [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net); [Desai.Sudhir@epamail.epa.gov](mailto:Desai.Sudhir@epamail.epa.gov); [Barbara.Vantil@epamail.epa.gov](mailto:Barbara.Vantil@epamail.epa.gov); Witte, Jennifer; Foster, Scott  
**Cc:** John R. Haas; Ruggles, Kris; DeMonte, Jessica E.; [ssturgill@zoomnet.net](mailto:ssturgill@zoomnet.net)  
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Ladies & Gentlemen,

In reviewing the timeframe for executing engineering agreements for the design of the 25th & Coles Retention Basin and design of the 2300 Block of Grandview Avenue Storage Projects (Pages 10 & 11), I notice the date in the DAO is 9/1/2013 for both projects. This will not

allow us time to solicit proposals from prospective consultants, review the proposals and have three readings before enacting the required legislation as requested by Council.

In order to meet our commitments as required by Ohio and Council, the date for execution of the two engineering agreements will have to be no earlier than October 15, 2013.

Rick, as I asked on numerous occasions and, to comply with Council's wish, please prepare an advertisement to solicit qualifications from professional engineering firms as soon as possible to meet this requirement.

Thank all of you for your time and commitment to this process. Everyone have a great holiday and weekend as well.

My Very Best,

Mayor David Malone

---

From: [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net) [rduncan1@falcon1.net]  
Sent: Wednesday, July 03, 2013 10:31 AM  
To: David Malone  
Cc: John R. Haas; Ruggles, Kris; DeMonte, Jessica E.  
Subject: Council Letter for AOC for Monday July 8

Mayor,

Attached are the Council Letter we discussed yesterday and a revised AOC which would accompany the Council Letter.

Richard Duncan, P.E.  
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office  
740-357-0128 Cell

## Desai, Sudhir

---

From: Foster, Scott [scott.foster@epa.state.oh.us]  
Sent: Monday, July 08, 2013 8:06 AM  
To: Desai, Sudhir  
Cc: Vantil, Barbara; Witte, Jennifer  
Subject: RE: Council Letter for AOC for Monday July 8

1 is good for me. Call Jennifer's phone. She is in a meeting right now and if something changes, I will let you know.

-----Original Message-----

From: Desai, Sudhir [mailto:desai.sudhir@epa.gov]  
Sent: Monday, July 08, 2013 8:58 AM  
To: Vantil, Barbara; Foster, Scott; Witte, Jennifer  
Subject: RE: Council Letter for AOC for Monday July 8

Hi Barbara,

It works for me. We will originate the call.

Thx.

Sudhir,

-----Original Message-----

From: Vantil, Barbara  
Sent: Monday, July 08, 2013 7:56 AM  
To: Foster, Scott; Desai, Sudhir; Witte, Jennifer  
Subject: RE: Council Letter for AOC for Monday July 8

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To: Vantil, Barbara  
Subject: FW: Council Letter for AOC for Monday July 8

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From: Foster, Scott  
Sent: Wednesday, July 03, 2013 3:39 PM  
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Richard Duncan, P.E.  
Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office  
740-357-0128 Cell



## Desai, Sudhir

---

From: Vantil, Barbara  
Sent: Monday, July 08, 2013 8:07 AM  
To: Foster, Scott; Desai, Sudhir  
Cc: Witte, Jennifer  
Subject: RE: Council Letter for AOC for Monday July 8

Sounds good. Thanks!

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Richard Duncan, P.E.

Director of Wastewater and Flood Defense City of Portsmouth

740-353-0241 Office

740-357-0128 Cell



**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Monday, July 08, 2013 8:07 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth ACO Conference call



**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Monday, July 08, 2013 8:12 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth ACO Conference call



## **Desai, Sudhir**

---

**From:** R5-R1502@epa.gov  
**Sent:** Monday, July 08, 2013 7:29 AM  
**To:** Desai, Sudhir  
**Subject:** Message from "R5-R1502"  
**Attachments:** 20130708082917767.pdf

This E-mail was sent from "R5-R1502" (Aficio MP C7501).

Scan Date: 07.08.2013 08:29:17 (-0400)

Queries to: [R5-R1502@epa.gov](mailto:R5-R1502@epa.gov)





12-05-12 Tech call comments inserted into document entitled "11-28-12: EPA STAFF  
PROPOSAL IN RESPONSE TO CITY'S 11-5-12 COMMENTS"  
FOR CONSIDERATION IN NEGOTIATING POSSIBLE AOC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

|                          |   |                           |
|--------------------------|---|---------------------------|
| IN THE MATTER OF:        | ) | DOCKET NO. V-W-12-AO-     |
|                          | ) |                           |
| CITY OF PORTSMOUTH, OHIO | ) | PROCEEDING UNDER SECTIONS |
|                          | ) | 308 AND 309(a) OF         |
| RESPONDENT               | ) | THE CLEAN WATER ACT       |

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tinka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

**DEFINITIONS**

All terms used, but not defined, in this Order have the meanings provided to them in the Act and EPA regulations promulgated under the Act.

"Combined Sewer Overflow" or "CSO" means any discharge from any outfall identified in Respondent's National Pollutant Discharge Elimination System (NPDES) permits as a CSO.

"Combined Sewer System" or "CSS" shall mean the portion of Respondent's Sewer System designed to convey municipal sewage and stormwater runoff through a single-pipe system to Respondent's wastewater treatment plants.

"Non-System-Caused Release" means any wastewater release that is caused by backups, blockages, flow conditions, or malfunctions in a building lateral, other piping or conveyance system that is not owned or operationally controlled by the Respondent.

"Release" shall mean a Non-System-Caused Release, SSO or Unauthorized CSO.

"Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Sanitary Sewer System, including building/property backups, but excluding Non-System-Caused Releases.

"Sanitary Sewer System" means the portion of the Respondent's Sewer System that is not part of the Combined Sewer System.

"Sewer System" shall mean the wastewater collection and transmission system owned or operated by Respondent designed to collect and convey municipal sewage (domestic, commercial and industrial) to Respondent's wastewater treatment plants or to a combined sewer overflow structure. "Sewer System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."

"Unauthorized Combined Sewer Overflow" or "Unauthorized CSO" shall mean an overflow,

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

spill, diversion, or release of wastewater from or caused by Respondent's Combined Sewer System at a source not specifically identified in Respondent's NPDES permits as a CSO, including building/property backups, but excluding Non-System-Caused Releases.

**FINDINGS**

- A. Respondent is a political subdivision of the State of Ohio, and as such is a "person" for purpose of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- B. Respondent is the owner and operator of two municipal wastewater treatment plants (the Portsmouth WWTP and Sciotoville WWTP) in Portsmouth, Ohio, as well the Sewer System that feeds into those two treatment plants. Respondent discharged treated municipal sewage from outfalls at the two treatment plants, and untreated municipal sewage from outfalls in the Sewer System known as "combined sewer overflow" or "CSO" outfalls. These outfalls constitute "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- C. The point sources described above in Paragraph B discharge into the Ohio River and some of its tributaries. The Ohio River and its tributaries are "navigable waters" and "waters of the United States" as defined by Section 502(7) of the Act, U.S.C. § 1362(7) and its implementing regulation 40 C.F.R. § 122.2.
- D. Municipal sewage is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).
- E. On May 16, 2007, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act a National Pollutant Discharge Elimination System (NPDES) permit for the Sciotoville WWTP (Sciotoville Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Parts I.B.1 and II.O of the Sciotoville

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

Permit prohibit sanitary sewer overflows (SSOs). On June 25, 2009, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act an NPDES permit for the Portsmouth WWTP (Portsmouth Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Part II.F of the Portsmouth Permit prohibits sanitary sewer overflows (SSOs). Part III.2 of the Portsmouth Permit includes General Effluent Limitations applicable to discharge from Respondent's CSO outfalls. Part II.H of the Portsmouth Permit and Part II.B of the Sciotoville Permit require Respondent to "maintain in good working order and operate as efficiently as possible, the "treatment works" and "Sewer System" . . . to prevent untreated or partially treated discharges of wastewater to the waters of the state, surfaces of the ground, basements, homes, buildings, etc."

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

H. Pursuant to Section 308(a)(5)(A) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(5)(A), and having taken into account the seriousness of the violations and Respondent's financial limitations, and considering further that Respondent will undertake the measures set forth in the "Order on Consent" section of this document in order to work toward achieving compliance with the requirements described in Paragraph E, the EPA finds that the schedule set forth in the Order

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

on Consent is a reasonable one for the Respondent to work toward achieving compliance with those requirements.

**ORDER ON CONSENT**

Based on the foregoing Findings and pursuant to the authority of Section 308 and 309(a)(3) of the Act, IT IS HEREBY ORDERED AND AGREED THAT:

Respondent shall take the measures below in accordance with the schedule specified below.

1. Respondent must immediately begin forwarding to EPA, at the following address, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013\*LD regarding all CSO and SSO occurrences:

Dean Maraldo, Chief  
Water Enforcement and Compliance Assurance Branch (WC-15J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013\*LD. For the Sciotoville WWTP, all the information is required under Parts I.B and II.O of NPDES Permit No. OPC00018\*ED.

2. Respondent shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include but not be limited to:
  - a. providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System;
  - b. continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System;
  - c. taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs;
  - d. providing public education regarding potential risks associated with exposure to pollutants associated with any SSO or Unauthorized CSO; and

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- e. implementing the nine minimum controls, which are technology-based actions or measures to reduce CSOs and their effects on receiving water quality.
3. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall implement a procedure to report all Releases. This procedure shall include:
- a. E-mail and/or Oral notification to the OEPA ([sedo24hournpdes@epa.state.oh.us](mailto:sedo24hournpdes@epa.state.oh.us), or telephone number: 1-800-686-7330) and the City Health Department (telephone number: 740-354-3241), as appropriate, within twenty-four hours of learning of the Release. Verbal notification will include location of the Release, the receiving water, if any, and an estimate of the volume of the Release.
  - b. A written report to the OEPA (with a copy to EPA) within five (5) calendar days of the date Respondent became aware of the Release. The written report shall contain:
    - i. the location of the Release;
    - ii. the receiving water, if any;
    - iii. an estimate of the volume of the Release;
    - iv. a description of the sewer component from which the Release occurred (e.g., manhole);
    - v. the estimated date and time when the Release began and stopped or will be stopped;
    - vi. the cause or suspected cause of the Release;
    - vii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Release and, if applicable, a schedule of major milestones for those steps; and
    - viii. steps taken or planned to mitigate the impact(s) of the Release and a schedule of milestones for those steps; and
    - ix. name and title of person reporting the Release.
4. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit for EPA approval an Overflow Emergency Response Plan (OERP) that identifies measures to mitigate the impacts of any SSOs and/or Unauthorized CSOs and protect public health and the environment. In addition to the reporting and notification program described in Paragraph 3, above, this plan shall include but not be limited to:
- a. a mechanism to ensure that Respondents are made aware of all SSOs and/or Unauthorized CSOs;
  - b. establishing and implementing procedures to ensure responses to SSOs and/or Unauthorized CSOs, including ensuring that reports of SSOs and/or Unauthorized CSOs are immediately dispatched to personnel for investigation and response;
  - c. establishing and implementing procedures to ensure that personnel are aware of and follow the Overflow Emergency Response Plan and are trained; and

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- d. establishing and implementing emergency operations procedures.
- 5. EPA may approve in writing the OERP or, if EPA determines that Respondent's proposed OERP is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed OERP in response to EPA's corrective comments, and resubmit the proposed OERP to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA of the OERP, Respondent shall implement the approved OERP.
- 6. Within 180 calendar days of receipt of this Order, Respondent must prepare a Sewer Systems Management, Operation and Maintenance (MOM) Program for all parts of its Sewer System; and submit a written description of its MOM program to EPA for approval. The MOM program will demonstrate how Portsmouth will provide proper management, operation and maintenance of the gravity sewer lines, force mains, pump stations, and other equipment associated with its Sewer System; minimize Sewer System failures, such as wastewater backups into buildings, and discharges from the Sewer System; maximize flow to the WWTPs; and provide maximum feasible treatment to all sewer flows. The Program shall be in accordance with EPA's January 2005 "Guide for Evaluating Capacity, Management, Operation and Maintenance Programs" (EPA 305-B-05-002), and EPA's May 1995 "Combined Sewer Overflows Guidance for Nine Minimum Controls" (EPA 832-B-95-003). Respondents must implement the MOM program beginning within 30 calendar days after approval by EPA. The OERP shall be incorporated into the MOM program. The MOM shall include, but not be limited to, the following:
  - a. A description of Portsmouth's existing Sewer Systems maintenance program, including a detailed map of the Sewer System;
  - b. A description of the maintenance level of effort, by activity, to be carried out, the frequency of inspection and line cleaning activities for each Sewer Basin, and a description of how maintenance activities focus on the areas of the Sewer Systems most in need of attention;
  - c. A plan and schedule (not to exceed 5 years from the beginning of implementation of the MOM program) for the implementation of an initial system inventory and condition assessment;
  - d. Provisions for cleaning and televising, within 5 years of the effective date of this Order, all Sewer segments less than 18 inches in diameter that have been in service for more than 20 years;
  - e. Plans and schedules for the routine inspection of the Sewer Systems in accordance with the following minimum requirements:

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- i. routine inspection of all manholes, including all manholes that are entered for purposes of cleaning, inspection, or other routine maintenance activities;
    - ii. closed circuit television (CCTV) inspection sewer segments not previously inspected by CCTV within 30 days after the occurrence of an SSO or Unauthorized CSO in a location not already scheduled for repairs or improvements under this Order;
    - iii. routine inspection of all Pump Stations;
    - iv. routine inspection of structures critical to the operation of the Sewer System, including regulators, overflow weirs, tide gates, catch basins, etc.
  - f. Provisions for evaluating and removing sources of Rainfall-derived Infiltration and Inflow into Sewer Systems;
  - g. Procedures for ensuring that new sewer segments and connections are properly designed and constructed (including testing of new sewer segments installations) and procedures for ensuring that rehabilitation projects are properly designed and constructed to prevent SSOs, Unauthorized CSOs, and new connections of storm water inflow;
  - h. Procedures for maintaining all Pump Stations in good working order, including but not limited to:
    - i. routine cleaning of pump station wet wells;
    - ii. maintaining backup power capability;
  - i. A description of the capabilities of Portsmouth's record keeping and/or data management system and the degree to which it is currently used to manage Sewer Systems maintenance data, including sample outputs such as routine work schedule summaries and work orders;
  - j. A description of current and proposed Sewer Systems maintenance staffing levels (both planned and actual), organizational structure, equipment and other resources dedicated to Sewer Systems maintenance;
  - k. A description of Portsmouth's current and proposed spare parts inventory, and how critical spare parts were identified;
  - l. Provisions for insuring that the maximum flow is transported to the WWTPs prior to discharging from any CSOs and that CSO discharges are minimized.
7. EPA may approve in writing the MOM Program or, if EPA determines that Respondent's proposed MOM Program is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed MOM Program in response to EPA's corrective comments, and resubmit the proposed MOM Program to EPA for written approval within 45 calendar days after receipt thereof. Upon



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written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

| Activity                                                                                                                                           | Date                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Execute Construction Contract for North Moreland Sewer Lining Project                                                                              | Completed                        |
| Complete Construction of North Moreland Sewer Lining Project                                                                                       | <del>07/15/2013</del> 12/31/2013 |
| Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA | 05/01/2013 09/01/2013            |
| Complete Construction of North Moreland Manhole Rehabilitation project                                                                             | 12/31/2013                       |

*2/13 work done  
to 1/16/13 in August*

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

| Activity                                                                                                                     | Date                                                                       |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs | No later than 60 days after conclusion of the monitoring period            |
| Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs                                                 | No later than 60 days after EPA's written approval of the Amended Schedule |

10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.

11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

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| Activity                                                                                                                                                                                                                                                                                            | Date                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project. | Completed                                                                                                                                                                                                                                                                                                                                                     |
| <u>Downspout Disconnection Program</u> : Issue letters to private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary Sewer System.                                                                                                  | Completed                                                                                                                                                                                                                                                                                                                                                     |
| Complete verification of downspout disconnection status of 47 downspouts.                                                                                                                                                                                                                           | 4/4/13 <u>Completed</u>                                                                                                                                                                                                                                                                                                                                       |
| Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.                                                                                                                                            | 6/7/13 09/01/2013                                                                                                                                                                                                                                                                                                                                             |
| Provide written completion report to EPA and the OEPA within 30 days of completion of the project.                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                               |
| <u>25<sup>th</sup> and Coles Street Retention Basin Project</u> : Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project                                                                                                                                       | 4/1/13 <u>Completed</u>                                                                                                                                                                                                                                                                                                                                       |
| Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA                                                                                                                                                           | 6/1/13 09/01/2013                                                                                                                                                                                                                                                                                                                                             |
| Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA                                                                                                                                                        | <u>Within 180 days of the latter of either a jurisdictional wetland determination or obtaining appropriate 401/404 permits for the project if such permits are determined to be necessary. (Alternative: 10/1/15 * dates may be modified by parties depending upon jurisdictional wetland determination and permitting requirements for project). 10/1/13</u> |
| Complete construction of 25th and Coles Street Retention Basin Project                                                                                                                                                                                                                              | <u>Within 1 year of advertising for bids for construction of this project. (Alternative: 10/1/16 * dates may be modified by parties depending upon jurisdictional wetland determination and</u>                                                                                                                                                               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                  | permitting requirements for project). 4/4/14                                                                                                                                                                     |
| 2300 Block of Grandview Project: Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA                                                                                                                                                                                                                                                               | Completed                                                                                                                                                                                                        |
| Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA                                                                                                                                                                                                                                                                                                  | 6/4/1309/01/2013                                                                                                                                                                                                 |
| Submit application for Permit to Install to Ohio EPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to EPA                                                                                                                                                                                                                                                                                             | 10/4/1303/01/2014                                                                                                                                                                                                |
| Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to EPA and OEPA                                                                                                                                                                                                                                                                                                    | 10/4/1303/01/2014                                                                                                                                                                                                |
| Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to EPA and OEPA                                                                                                                                                                                                                                                                                                              | 12/31/1306/01/2014                                                                                                                                                                                               |
| Complete construction of 2300 Block of Grandview Avenue Storage Project                                                                                                                                                                                                                                                                                                                                                                          | 5/1/2015 *date is contingent and may be modified by the parties depending upon the City's ability to acquire, following commercially reasonable efforts, property for completion of the storage facility. 3/3/15 |
| Perform post-construction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects<br><br>in eliminating Releases. Performance shall be evaluated during a demonstration period of two years, and will include:<br><br>1) analysis of release data generated through implementation of the approved OERP;<br><br>2) measurement of the effectiveness at eliminating releases<br><br>during severe storm events; and | Upon Completion of demonstration period.                                                                                                                                                                         |

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|                                                                                                                                                                                                                                                                                                                   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>3) demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.</p> |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

12. Respondent must comply with the following schedule for the Lawson Run Projects:

| Activity                                                                                                                                                            | Date                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Conduct visual inspection of Lawson Run Sewer.                                                                                                                      | 04/01/2013 <u>Completed</u>               |
| Execute Engineering Agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to EPA and OEPA                                 | 6/4/13 <u>01/01/2014</u>                  |
| Advertise for bids for TV Assessment of large diameter and tunnel sewers and submit a copy of such advertisement to EPA and OEPA                                    | 8/4/13 <u>03/01/2014</u>                  |
| Complete TV of Lawson Run Connections                                                                                                                               | 12/31/13 <u>10/01/2014</u>                |
| Submit Part I of Feasibility Report to EPA and OEPA - condition assessment of Lawson Run and existing connections, and proposed approach to separation.             | 2/28/14 <u>12/31/2014</u>                 |
| Submit Part II of Feasibility Report to EPA and OEPA - costing of traditional gravity separation projects and alternative separation approaches.                    | 5/31/14 <u>03/01/2015</u>                 |
| Submit Part III of Feasibility Report to EPA and OEPA - recommended approach to potential Lawson Run projects including necessary headworks/influent modifications. | 8/31/14 <u>06/01/2015</u>                 |
| Address EPA comments and Submit Final Feasibility Report                                                                                                            | Within 30 days of receipt of EPA Comments |

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13. Portsmouth shall submit bimonthly progress reports on the progress it has made on implementing the activities and capital improvement projects discussed in paragraphs 8-12. For each project, the following information should be provided:

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- Name of the activity and/or project and activity/project description
- Section of the ACO under which the activity/project is initiated
- Start date of the activity/project
- Milestones for each activity/project, description of the milestone and percent project completed
- Expected outcome of the activity/project
- Technical design drawings of the project-(required to be submitted only once for each project)
- Basis of cost estimation and any assumptions for deriving project cost, engineering calculations
- Project cost, proposed and actual, and copies of change work orders for the project
- Personnel responsible for managing the project, titles
- Deviation from the project, rationale for the deviation, what will be the project outcome
- Project end date

The bimonthly progress report shall also include a Gantt chart illustrating projected start, interim and finish dates for all of the projects discussed in paragraphs 8-12. For each monthly progress report, the Gantt chart shall be updated to reflect the projected start, interim and finish dates as they exist as of the date of the bimonthly progress report. To the extent that any Gantt chart is different from the Gantt chart that had been provided in the previous bimonthly report, Portsmouth shall provide an explanation for why the Gantt chart has been changed.

14. Commencing immediately, Respondent will prepare annual reports for submission to EPA. The annual report will convey the following information:
  - a. Respondents' progress on completing the projects described in the original implementation schedule, or the amended schedule, whichever is in effect, for Sewer System rehabilitation/replacement work to eliminate remaining SSOs and Unauthorized CSOs, including identification of projects completed in the previous calendar year, status of projects underway as of the end of the calendar year, status of projects scheduled for implementation during the new calendar year, and identification of any anticipated delay in the schedule and the reasons therefore, and all steps that have been taken, or will be taken, to minimize or eliminate the anticipated delay;
  - b. Respondent's progress in implementing its MOM program, and
  - c. An inventory of all SSOs and Unauthorized CSOs occurring in the previous calendar year, identifying the dates, sources, estimated volumes, receiving waters and principal pollutants contained in the discharges, accompanied by a copy of a press release that Respondent must issue to inform the public of the availability of the inventory on Respondent's principal webpage.

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- d. The Respondent must submit the Discharge Monitoring Reports and CSO reports provided to OEPA to EPA.

The annual reports must be postmarked by January 31 of the year following the year of acceptance of this agreement, and submitted to the Water Enforcement and Compliance Branch Chief at the address provided in Paragraph 1, above.

**GENERAL PROVISIONS**

A. Issuance of this Order shall not be deemed an election by the EPA to forego any civil or criminal administrative or judicial action to seek civil penalties, fines, or other appropriate relief (including injunctive relief) under the Act for the violations set forth in the Findings or future violations that Respondent might commit.

B. Issuance of this Order does not affect the EPA's authority to seek additional information under Section 308 of the Act, 33 U.S.C. § 1318, or otherwise affect the EPA's ability to enforce the Permit or enforce or implement the Clean Water Act.

C. In evaluating whether to initiate any future civil or administrative enforcement action or whether to seek additional information under Section 308 of the Act, EPA may (but is not required to) consider the extent to which Respondent has complied with the terms of this Order; including, but not limited to, the extent to which Respondent has submitted an approvable OERP, MOM Program or Amended Munn's Run schedule, and/or the extent to which Respondent has incorporated EPA comments on any OERP, MOM Program and Amended Munn's Run Schedule proposed by Respondent.

D. Respondent agrees that the EPA has jurisdiction to issue this Order.

E. Respondent neither admits nor denies liability for the violations identified in Paragraph G above, but waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of

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fact or law set forth in the Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

- F. Failure to comply with the terms of this Order on Consent may result in Respondent's liability for significant statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA in a district court of competent jurisdiction, the district court may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the Act as described above and failed to comply with the term of this Order. In determining the amount of a any penalty the court will consider the seriousness of Respondent's violations, Respondent's economic benefit (if any) resulting from the violations, any history Respondent may have of such violations, any good faith efforts Respondent has made to comply with the applicable requirements, the economic impact the penalty may have upon the Respondent, and such other matters as justice may require..
- G. Respondent's compliance with this Order on Consent is not conditioned on the receipt of any federal, state or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any applications for the same.
- H. Respondent reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violations of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.
- I. This Order on Consent shall become effective upon the signature of the parties.

\_\_\_\_\_  
David Malone  
Mayor, City of Portsmouth

Date: \_\_\_\_\_

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\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division

Date: \_\_\_\_\_



## Petroleum Coke: Composition, Aquatic Toxicity, and Fate

### Issue

What are the potential impacts to human health (from a surface water exposure pathway) and aquatic life from petroleum coke piles located along the Detroit River?

### Composition<sup>1,2</sup>

There are two forms of petroleum coke, green coke and a more refined product, calcinated coke. The material of interest is green coke.

Green coke is primarily composed of elemental carbon, with up to 15% residual hydrocarbons (including polycyclic aromatic hydrocarbons (PAHs) (~25 mg/kg), sulfur (~2.5-5%), and heavy metals, primarily nickel (250-500 mg/kg) and vanadium (~1,000-2,000 mg/kg).

### Environmental Fate

EPA characterizes petroleum coke as essentially inert<sup>1</sup>. Petroleum coke is highly persistent in the environment, with low rates of vapor pressure, water solubility, volatilization, hydrolysis, and photooxidation<sup>1</sup>. Bioaccumulation potential is low<sup>1</sup>. If released to the aquatic environment, petroleum coke will either be incorporated into sediment or float on the surface. The rate at which this occurs depends on particle size and density relative to water<sup>2</sup>.

### Mammalian Toxicity

Mammalian toxicity studies on green coke are based primarily on inhalation or dermal exposure, since this would be the primary route of exposure of humans to green coke<sup>1,2</sup>. No oral toxicity studies were found for green coke. However, human health values for surface waters protected as a drinking water source are available for the principal metals found in green coke, vanadium and nickel. The human health values for these two metals are 53 ug/L and 2,600 ug/l, respectively.

### Aquatic Life Toxicity

#### *Green Coke Toxicity to Aquatic Life*<sup>2</sup>

Acute toxicity tests were performed on water-accommodated fractions (WAF) determined to obtain the highest extractability of material from green coke. WAF is the fraction of the material that can be leached into water by low-energy mixing. To prepare WAF, green coke pellets milled and sieved to about 2 mm size were added to water and mixed. The WAF was the water fraction after mixing, with solid green coke removed. Based on the way the WAF was prepared, EPA was satisfied that this approach adequately replicated the effects of slow, long-term leaching of materials from green coke on aquatic life.

Green coke WAF acute toxicity was very low. A 1,000 mg/L (0.1%) WAF concentration did not adversely affect fathead minnows following 96 hours of exposure or *Daphnia magna* (water flea, a planktonic crustacean) following 48 hours of exposure. In a 96 hour exposure study, 1,000 mg/l WAF slightly inhibited algae (*Pseudokirchneriella subcapitata*) growth, but did not affect biomass.

The concentrations of metals, sulfur and PAHs in the WAF in waters used for the toxicity tests summarized above were all below the quantitation limits (0.4-200 ug/L, 5,100 ug/L, and 5 ug/L, respectively) indicating limited amount of substances were leaching into solution.

#### *Oil Sands Petroleum Coke Leachate Chronic Toxicity<sup>3</sup>*

Green coke leachate chronic toxicity to a sensitive planktonic crustacean (*Ceriodaphnia dubia*) was very low. Leachate was prepared by mixing water and coke at a 4:1 ratio under both pH 5.5 (acidic) and pH 9.5 (basic) conditions and allowing the mixtures to age for 15 days. Overlying water, and pore water within the coke solids, were obtained by filtration. The waters obtained (leachate) were only chronically toxic to *Ceriodaphnia dubia* at very high concentrations (6.3% to 31.3% leachate, depending on pH). The chronic toxicity of a low pH (pH = 5.5) leachate could not be determined because the 7d IC50 was less than the lowest concentration tested (6.25%). However, based on other toxicity observations, the toxicity of the pH 5.5 leachate was likely still very low, likely in the low single digit % range.

Toxicity identification procedures indicated the chronic leachate toxicity observed was caused by nickel and vanadium.

#### Hazard Assessment

The potential exposure of humans to chemicals in petroleum coke in surface waters is minimal, since petroleum coke has a low bioaccumulation potential<sup>1</sup>, some or all of the particulate matter entering surface waters would partition to the sediment<sup>2</sup>, and the leaching of materials from green coke into water is very limited<sup>2</sup>.

Polycyclic aromatic hydrocarbons (PAHs), including a known carcinogen (benzo(a)pyrene), are components of petroleum coke. However, it is expected that very little PAH will partition to water if petroleum coke is released because the solubilities of PAHs are extremely low. For example, PAH concentrations were not quantifiable in water (<5 ug/l) exposed to petroleum coke during the acute aquatic toxicity testing described above<sup>2</sup>.

Sulfur is a component of petroleum coke, but is not a toxicological concern in terms of human health from a surface water exposure pathway or aquatic life.

Nickel and vanadium have been identified as a source of toxicity to aquatic life from petroleum coke, but only at very high concentrations of 15-day coke leachate, as described above<sup>3</sup>.

We further assessed the hazards of nickel and vanadium to human health and aquatic life by determining the amount of green coke that would need to be discharged to the Detroit River for

the human health and aquatic life protection values to be exceeded<sup>4</sup>. Despite an assumption that all the metals present in petroleum coke as reported in the API hazard characterization report<sup>2</sup> would be available, the calculations indicate that very large quantities of green coke would have to be released to the Detroit River before human health and aquatic life values would be exceeded:

*Human health:*

Nickel: >347,168 tons green coke (>13,101 dump truck loads)

Vanadium: >1,826 tons green coke (>69 loads)

*Aquatic life:*

Nickel: >6,944 tons green coke (>262 loads)

Vanadium: >930 tons green coke (>35 loads)

Larger amounts would need to be released to exceed the less restrictive acute water quality criteria.

These calculations are likely conservative, since nickel and vanadium concentrations detected in a sample of the Detroit Bulk Storage pile were less than concentrations reported in the API hazard characterization report.

Like any solid, petroleum coke could interfere with aquatic life by physical effects such as clogged gills or burying of sediment-dwelling organisms if released in very large quantities, and if density was sufficient for the coke to sink.

Conclusions

The primary constituent of green coke, elemental carbon, does not pose a significant risk to human health from a surface water exposure pathway, or to aquatic life. PAH constituents in green coke are unlikely to enter the water column at concentrations of concern because of limited solubility. The primary concern is the potential impacts of heavy metals (dominated by nickel and vanadium) present in green coke. However, a comparison of toxicity-based human health and aquatic life water quality criteria for nickel and vanadium with amounts present in green coke indicates that very large amounts (tons daily) of green coke would need to be released to the Detroit River before surface water quality criteria would be exceeded.

References

<sup>1</sup>EPA 2011. Screening-level characterization. Petroleum coke category. U.S. EPA Hazard Characterization Document. OPPT, Washington, D.C. 20 pp.  
[http://www.epa.gov/chemrtk/hpvis/hazchar/Category\\_Petroleum%20Coke\\_June\\_2011.pdf](http://www.epa.gov/chemrtk/hpvis/hazchar/Category_Petroleum%20Coke_June_2011.pdf)

<sup>2</sup>API 2007. Petroleum coke category analysis and hazard characterization. American Petroleum Institute. 35 pp. <http://www.epa.gov/hpv/pubs/summaries/ptrlcoke/c12563rr2.pdf>

<sup>3</sup>Puttaswamy, N. and K. Liber. 2011. Identifying the causes of oil sands coke leachate toxicity to aquatic invertebrates. *Environ. Toxicol. Chem.* 30(11): 2576-2585.

<sup>4</sup>12.5% of the lowest monthly Detroit River 95% exceedance flow; Michigan DEQ, Lansing, MI

Review completed by:  
William F. Dimond  
April 9, 2013

**Desai, Sudhir**

---

**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 8:29 AM  
**To:** Desai, Sudhir  
**Subject:** FW: Message from "R5-R1502"/Portsmouth, OH ACO AS OF 7/4/2013/CHANGES  
**Attachments:** 20130708082917767.pdf

-----Original Message-----

**From:** [R5-R1502@epa.gov](mailto:R5-R1502@epa.gov) [<mailto:R5-R1502@epa.gov>]  
**Sent:** Monday, July 08, 2013 7:29 AM  
**To:** Desai, Sudhir  
**Subject:** Message from "R5-R1502"

This E-mail was sent from "R5-R1502" (Aficio MP C7501).

Scan Date: 07.08.2013 08:29:17 (-0400)  
Queries to: [R5-R1502@epa.gov](mailto:R5-R1502@epa.gov)



12-05-12 Tech call comments inserted into document entitled "11-28-12: EPA STAFF  
PROPOSAL IN RESPONSE TO CITY'S 11-5-12 COMMENTS"  
FOR CONSIDERATION IN NEGOTIATING POSSIBLE AOC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

|                          |   |                           |
|--------------------------|---|---------------------------|
| IN THE MATTER OF:        | ) | DOCKET NO. V-W-12-AO-     |
|                          | ) |                           |
| CITY OF PORTSMOUTH, OHIO | ) | PROCEEDING UNDER SECTIONS |
|                          | ) | 308 AND 309(a) OF         |
| RESPONDENT               | ) | THE CLEAN WATER ACT       |

STATUTORY AUTHORITY

The following Findings are made and Order on Consent is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (the EPA) by Sections 308 and 309(a) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated this authority to the Regional Administrator, EPA, Region 5, who then redelegated the authority to the Director of the Water Division, EPA, Region 5.

INTENT OF THE PARTIES

Tinka G. Hyde, Director of the Water Division, on behalf of the Administrator of the United States Environmental Protection Agency, and David Malone, Mayor of the City of Portsmouth, Ohio, on behalf of the City of Portsmouth (Respondent), enter into this Clean Water Act Section 309(a)(3) Compliance Order on Consent to establish a process by which Respondent will develop and implement appropriate measures as it works toward expeditiously achieving compliance with Section 301 of the Clean Water Act, 33 U.S.C. § 1311. In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process. The measures and schedule that Respondent will implement are set forth in the "Order on Consent" section of this document.

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**DEFINITIONS**

All terms used, but not defined, in this Order have the meanings provided to them in the Act and EPA regulations promulgated under the Act.

"Combined Sewer Overflow" or "CSO" means any discharge from any outfall identified in Respondent's National Pollutant Discharge Elimination System (NPDES) permits as a CSO.

"Combined Sewer System" or "CSS" shall mean the portion of Respondent's Sewer System designed to convey municipal sewage and stormwater runoff through a single-pipe system to Respondent's wastewater treatment plants.

"Non-System-Caused Release" means any wastewater release that is caused by backups, blockages, flow conditions, or malfunctions in a building lateral, other piping or conveyance system that is not owned or operationally controlled by the Respondent.

"Release" shall mean a Non-System-Caused Release, SSO or Unauthorized CSO.

"Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by Respondent's Sanitary Sewer System, including building/property backups, but excluding Non-System-Caused Releases.

"Sanitary Sewer System" means the portion of the Respondent's Sewer System that is not part of the Combined Sewer System.

"Sewer System" shall mean the wastewater collection and transmission system owned or operated by Respondent designed to collect and convey municipal sewage (domestic, commercial and industrial) to Respondent's wastewater treatment plants or to a combined sewer overflow structure. "Sewer System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."

"Unauthorized Combined Sewer Overflow" or "Unauthorized CSO" shall mean an overflow,



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spill, diversion, or release of wastewater from or caused by Respondent's Combined Sewer System at a source not specifically identified in Respondent's NPDES permits as a CSO, including building/property backups, but excluding Non-System-Caused Releases.

**FINDINGS**

- A. Respondent is a political subdivision of the State of Ohio, and as such is a "person" for purpose of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- B. Respondent is the owner and operator of two municipal wastewater treatment plants (the Portsmouth WWTP and Sciotoville WWTP) in Portsmouth, Ohio, as well the Sewer System that feeds into those two treatment plants. Respondent discharged treated municipal sewage from outfalls at the two treatment plants, and untreated municipal sewage from outfalls in the Sewer System known as "combined sewer overflow" or "CSO" outfalls. These outfalls constitute "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- C. The point sources described above in Paragraph B discharge into the Ohio River and some of its tributaries. The Ohio River and its tributaries are "navigable waters" and "waters of the United States" as defined by Section 502(7) of the Act, U.S.C. § 1362(7) and its implementing regulation 40 C.F.R. § 122.2.
- D. Municipal sewage is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).
- E. On May 16, 2007, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act a National Pollutant Discharge Elimination System (NPDES) permit for the Sciotoville WWTP (Sciotoville Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Parts I.B.1 and II.O of the Sciotoville

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Permit prohibit sanitary sewer overflows (SSOs). On June 25, 2009, the Ohio Environmental Protection Agency issued to Respondent under the authority of the Clean Water Act an NPDES permit for the Portsmouth WWTP (Portsmouth Permit) and portions of Respondent's Sewer System, which continues to apply to Respondent. Part II.F of the Portsmouth Permit prohibits sanitary sewer overflows (SSOs). Part III.2 of the Portsmouth Permit includes General Effluent Limitations applicable to discharge from Respondent's CSO outfalls. Part II.H of the Portsmouth Permit and Part II.B of the Sciotoville Permit require Respondent to "maintain in good working order and operate as efficiently as possible, the "treatment works" and "Sewer System" . . . to prevent untreated or partially treated discharges of wastewater to the waters of the state, surfaces of the ground, basements, homes, buildings, etc."

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

H. Pursuant to Section 308(a)(5)(A) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(5)(A), and having taken into account the seriousness of the violations and Respondent's financial limitations, and considering further that Respondent will undertake the measures set forth in the "Order on Consent" section of this document in order to work toward achieving compliance with the requirements described in Paragraph E, the EPA finds that the schedule set forth in the Order

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on Consent is a reasonable one for the Respondent to work toward achieving compliance with those requirements.

**ORDER ON CONSENT**

Based on the foregoing Findings and pursuant to the authority of Section 308 and 309(a)(3) of the Act, IT IS HEREBY ORDERED AND AGREED THAT:

Respondent shall take the measures below in accordance with the schedule specified below.

1. Respondent must immediately begin forwarding to EPA, at the following address, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013\*LD regarding all CSO and SSO occurrences:

Dean Maraldo, Chief  
Water Enforcement and Compliance Assurance Branch (WC-15J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013\*LD. For the Sciotoville WWTP, all the information is required under Parts I.B and II.O of NPDES Permit No. OPC00018\*ED.

2. Respondent shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include but not be limited to:
  - a. providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System;
  - b. continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System;
  - c. taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs;
  - d. providing public education regarding potential risks associated with exposure to pollutants associated with any SSO or Unauthorized CSO; and

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- e. implementing the nine minimum controls, which are technology-based actions or measures to reduce CSOs and their effects on receiving water quality.
3. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall implement a procedure to report all Releases. This procedure shall include:
- a. E-mail and/or Oral notification to the OEPA ([sedo24hournpdes@epa.state.oh.us](mailto:sedo24hournpdes@epa.state.oh.us), or telephone number: 1-800-686-7330) and the City Health Department (telephone number: 740-354-3241), as appropriate, within twenty-four hours of learning of the Release. Verbal notification will include location of the Release, the receiving water, if any, and an estimate of the volume of the Release.
  - b. A written report to the OEPA (with a copy to EPA) within five (5) calendar days of the date Respondent became aware of the Release. The written report shall contain:
    - i. the location of the Release;
    - ii. the receiving water, if any;
    - iii. an estimate of the volume of the Release;
    - iv. a description of the sewer component from which the Release occurred (e.g., manhole);
    - v. the estimated date and time when the Release began and stopped or will be stopped;
    - vi. the cause or suspected cause of the Release;
    - vii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Release and, if applicable, a schedule of major milestones for those steps; and
    - viii. steps taken or planned to mitigate the impact(s) of the Release and a schedule of milestones for those steps; and
    - ix. name and title of person reporting the Release.
4. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit for EPA approval an Overflow Emergency Response Plan (OERP) that identifies measures to mitigate the impacts of any SSOs and/or Unauthorized CSOs and protect public health and the environment. In addition to the reporting and notification program described in Paragraph 3, above, this plan shall include but not be limited to:
- a. a mechanism to ensure that Respondents are made aware of all SSOs and/or Unauthorized CSOs;
  - b. establishing and implementing procedures to ensure responses to SSOs and/or Unauthorized CSOs, including ensuring that reports of SSOs and/or Unauthorized CSOs are immediately dispatched to personnel for investigation and response;
  - c. establishing and implementing procedures to ensure that personnel are aware of and follow the Overflow Emergency Response Plan and are trained; and

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- d. establishing and implementing emergency operations procedures.
- 5. EPA may approve in writing the OERP or, if EPA determines that Respondent's proposed OERP is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed OERP in response to EPA's corrective comments, and resubmit the proposed OERP to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA of the OERP, Respondent shall implement the approved OERP.
- 6. Within 180 calendar days of receipt of this Order, Respondent must prepare a Sewer Systems Management, Operation and Maintenance (MOM) Program for all parts of its Sewer System; and submit a written description of its MOM program to EPA for approval. The MOM program will demonstrate how Portsmouth will provide proper management, operation and maintenance of the gravity sewer lines, force mains, pump stations, and other equipment associated with its Sewer System; minimize Sewer System failures, such as wastewater backups into buildings, and discharges from the Sewer System; maximize flow to the WWTPs; and provide maximum feasible treatment to all sewer flows. The Program shall be in accordance with EPA's January 2005 "Guide for Evaluating Capacity, Management, Operation and Maintenance Programs" (EPA 305-B-05-002), and EPA's May 1995 "Combined Sewer Overflows Guidance for Nine Minimum Controls" (EPA 832-B-95-003). Respondents must implement the MOM program beginning within 30 calendar days after approval by EPA. The OERP shall be incorporated into the MOM program. The MOM shall include, but not be limited to, the following:
  - a. A description of Portsmouth's existing Sewer Systems maintenance program, including a detailed map of the Sewer System;
  - b. A description of the maintenance level of effort, by activity, to be carried out, the frequency of inspection and line cleaning activities for each Sewer Basin, and a description of how maintenance activities focus on the areas of the Sewer Systems most in need of attention;
  - c. A plan and schedule (not to exceed 5 years from the beginning of implementation of the MOM program) for the implementation of an initial system inventory and condition assessment;
  - d. Provisions for cleaning and televising, within 5 years of the effective date of this Order, all Sewer segments less than 18 inches in diameter that have been in service for more than 20 years;
  - e. Plans and schedules for the routine inspection of the Sewer Systems in accordance with the following minimum requirements:

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- i. routine inspection of all manholes, including all manholes that are entered for purposes of cleaning, inspection, or other routine maintenance activities;
    - ii. closed circuit television (CCTV) inspection sewer segments not previously inspected by CCTV within 30 days after the occurrence of an SSO or Unauthorized CSO in a location not already scheduled for repairs or improvements under this Order;
    - iii. routine inspection of all Pump Stations;
    - iv. routine inspection of structures critical to the operation of the Sewer System, including regulators, overflow weirs, tide gates, catch basins, etc.
  - f. Provisions for evaluating and removing sources of Rainfall-derived Infiltration and Inflow into Sewer Systems;
  - g. Procedures for ensuring that new sewer segments and connections are properly designed and constructed (including testing of new sewer segments installations) and procedures for ensuring that rehabilitation projects are properly designed and constructed to prevent SSOs, Unauthorized CSOs, and new connections of storm water inflow;
  - h. Procedures for maintaining all Pump Stations in good working order, including but not limited to:
    - i. routine cleaning of pump station wet wells;
    - ii. maintaining backup power capability;
  - i. A description of the capabilities of Portsmouth's record keeping and/or data management system and the degree to which it is currently used to manage Sewer Systems maintenance data, including sample outputs such as routine work schedule summaries and work orders;
  - j. A description of current and proposed Sewer Systems maintenance staffing levels (both planned and actual), organizational structure, equipment and other resources dedicated to Sewer Systems maintenance;
  - k. A description of Portsmouth's current and proposed spare parts inventory, and how critical spare parts were identified;
  - l. Provisions for insuring that the maximum flow is transported to the WWTPs prior to discharging from any CSOs and that CSO discharges are minimized.
7. EPA may approve in writing the MOM Program or, if EPA determines that Respondent's proposed MOM Program is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the proposed MOM Program in response to EPA's corrective comments, and resubmit the proposed MOM Program to EPA for written approval within 45 calendar days after receipt thereof. Upon

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written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

| Activity                                                                                                                                           | Date                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Execute Construction Contract for North Moreland Sewer Lining Project                                                                              | Completed             |
| Complete Construction of North Moreland Sewer Lining Project                                                                                       | 07/15/2013-12/31/2013 |
| Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA | 05/01/2013-09/01/2013 |
| Complete Construction of North Moreland Manhole Rehabilitation project                                                                             | 12/31/2013            |

*213 work done  
6/16/13 in August*

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

| Activity                                                                                                                     | Date                                                                       |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs | No later than 60 days after conclusion of the monitoring period            |
| Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs                                                 | No later than 60 days after EPA's written approval of the Amended Schedule |

10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.
11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

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| Activity                                                                                                                                                                                                                                                                                            | Date                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project. | Completed                                                                                                                                                                                                                                                                                                                                                        |
| <u>Downspout Disconnection Program</u> : Issue letters to private property owners identified in 2012 engineering study requiring immediate disconnection of downspouts from sanitary Sewer System.                                                                                                  | Completed                                                                                                                                                                                                                                                                                                                                                        |
| Complete verification of downspout disconnection status of 47 downspouts.                                                                                                                                                                                                                           | 4/1/13 Completed                                                                                                                                                                                                                                                                                                                                                 |
| Issue certified letters to property owners who have not completed downspout disconnection indicating enforcement action if not completed within 60 days.                                                                                                                                            | 6/1/13 09/01/2013                                                                                                                                                                                                                                                                                                                                                |
| Provide written completion report to EPA and the OEPA within 30 days of completion of the project.                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                  |
| <u>25<sup>th</sup> and Coles Street Retention Basin Project</u> : Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project                                                                                                                                       | 4/1/13 Completed                                                                                                                                                                                                                                                                                                                                                 |
| Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA                                                                                                                                                           | 6/1/13 09/01/2013                                                                                                                                                                                                                                                                                                                                                |
| Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA                                                                                                                                                        | <u>Within 180 days of the latter of either a jurisdictional wetland determination or obtaining appropriate 401/404 permits for the project if such permits are determined to be necessary. (Alternative: 10/1/15 * dates may be modified by parties depending upon jurisdictional wetland determination and permitting requirements for project).</u><br>10/1/13 |
| Complete construction of 25th and Coles Street Retention Basin Project                                                                                                                                                                                                                              | <u>Within 1 year of advertising for bids for construction of this project. (Alternative: 10/1/16 * dates may be modified by parties depending upon jurisdictional wetland determination and</u>                                                                                                                                                                  |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>permitting requirements for project). 10/1/14</u>                                                                                                                                                              |
| 2300 Block of Grandview Project: Execute engineering agreement for Planning of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA                                                                                                                                                                                                                                                               | Completed                                                                                                                                                                                                         |
| Execute engineering agreement for design of 2300 Block of Grandview Avenue Storage Projects and submit a copy of such agreement to EPA and OEPA                                                                                                                                                                                                                                                                                                  | <del>6/1/13</del> 09/01/2013                                                                                                                                                                                      |
| Submit application for Permit to Install to Ohio EPA for 2300 Block of Grandview Avenue Storage Project and submit a copy of such application to EPA                                                                                                                                                                                                                                                                                             | 10/4/1303/01/2014                                                                                                                                                                                                 |
| Advertise for bids for construction of 2300 Block of Grandview Avenue Storage Project and submit a copy of such advertisement to EPA and OEPA                                                                                                                                                                                                                                                                                                    | 10/4/1303/01/2014                                                                                                                                                                                                 |
| Execute construction contract for 2300 Block of Grandview Avenue Storage Project and submit a copy of such contract to EPA and OEPA                                                                                                                                                                                                                                                                                                              | 12/31/1306/01/2014                                                                                                                                                                                                |
| Complete construction of 2300 Block of Grandview Avenue Storage Project                                                                                                                                                                                                                                                                                                                                                                          | 5/1/2015 *date is contingent and may be modified by the parties depending upon the City's ability to acquire, following commercially reasonable efforts, property for completion of the storage facility. 3/31/15 |
| Perform post-construction monitoring to determine the effectiveness of Grandview/Upper Lawson Run area projects<br><br>in eliminating Releases. Performance shall be evaluated during a demonstration period of two years, and will include:<br><br>1) analysis of release data generated through implementation of the approved OERP;<br><br>2) measurement of the effectiveness at eliminating releases<br><br>during severe storm events; and | Upon Completion of demonstration period.                                                                                                                                                                          |

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|                                                                                                                                                                                                                                                                                                                   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>3) demonstration of a decrease in surface flooding that may contribute to rainfall-derived infiltration and inflow into the sewer system. The City will submit a report after all three effectiveness criteria have been evaluated. The report will include recommendations for further actions if needed.</p> |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

12. Respondent must comply with the following schedule for the Lawson Run Projects:

| Activity                                                                                                                                                            | Date                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Conduct visual inspection of Lawson Run Sewer.                                                                                                                      | 04/01/2013 <u>Completed</u>               |
| Execute Engineering Agreement for Lawson Run Sewer Separation Feasibility Study and submit a copy of such agreement to EPA and OEPA                                 | 6/4/13 <u>01/01/2014</u>                  |
| Advertise for bids for TV Assessment of large diameter and tunnel sewers and submit a copy of such advertisement to EPA and OEPA                                    | 8/4/13 <u>03/01/2014</u>                  |
| Complete TV of Lawson Run Connections                                                                                                                               | 12/31/13 <u>10/01/2014</u>                |
| Submit Part I of Feasibility Report to EPA and OEPA - condition assessment of Lawson Run and existing connections, and proposed approach to separation.             | 2/28/14 <u>12/31/2014</u>                 |
| Submit Part II of Feasibility Report to EPA and OEPA - costing of traditional gravity separation projects and alternative separation approaches.                    | 5/31/14 <u>03/01/2015</u>                 |
| Submit Part III of Feasibility Report to EPA and OEPA - recommended approach to potential Lawson Run projects including necessary headworks/influent modifications. | 8/31/14 <u>06/01/2015</u>                 |
| Address EPA comments and Submit Final Feasibility Report                                                                                                            | Within 30 days of receipt of EPA Comments |

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13. Portsmouth shall submit bimonthly progress reports on the progress it has made on implementing the activities and capital improvement projects discussed in paragraphs 8-12. For each project, the following information should be provided:

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- Name of the activity and/or project and activity/project description
- Section of the ACO under which the activity/project is initiated
- Start date of the activity/project
- Milestones for each activity/project, description of the milestone and percent project completed
- Expected outcome of the activity/project
- Technical design drawings of the project (required to be submitted only once for each project)
- Basis of cost estimation and any assumptions for deriving project cost, engineering calculations
- Project cost, proposed and actual, and copies of change work orders for the project
- Personnel responsible for managing the project, titles
- Deviation from the project, rationale for the deviation, what will be the project outcome
- Project end date

The bimonthly progress report shall also include a Gantt chart illustrating projected start, interim and finish dates for all of the projects discussed in paragraphs 8-12. For each monthly progress report, the Gantt chart shall be updated to reflect the projected start, interim and finish dates as they exist as of the date of the bimonthly progress report. To the extent that any Gantt chart is different from the Gantt chart that had been provided in the previous bimonthly report, Portsmouth shall provide an explanation for why the Gantt chart has been changed.

14. Commencing immediately, Respondent will prepare annual reports for submission to EPA. The annual report will convey the following information:
  - a. Respondents' progress on completing the projects described in the original implementation schedule, or the amended schedule, whichever is in effect, for Sewer System rehabilitation/replacement work to eliminate remaining SSOs and Unauthorized CSOs, including identification of projects completed in the previous calendar year, status of projects underway as of the end of the calendar year, status of projects scheduled for implementation during the new calendar year, and identification of any anticipated delay in the schedule and the reasons therefore, and all steps that have been taken, or will be taken, to minimize or eliminate the anticipated delay;
  - b. Respondent's progress in implementing its MOM program, and
  - c. An inventory of all SSOs and Unauthorized CSOs occurring in the previous calendar year, identifying the dates, sources, estimated volumes, receiving waters and principal pollutants contained in the discharges, accompanied by a copy of a press release that Respondent must issue to inform the public of the availability of the inventory on Respondent's principal webpage.

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- d. The Respondent must submit the Discharge Monitoring Reports and CSO reports provided to OEPA to EPA.

The annual reports must be postmarked by January 31 of the year following the year of acceptance of this agreement, and submitted to the Water Enforcement and Compliance Branch Chief at the address provided in Paragraph 1, above.

**GENERAL PROVISIONS**

- A. Issuance of this Order shall not be deemed an election by the EPA to forego any civil or criminal administrative or judicial action to seek civil penalties, fines, or other appropriate relief (including injunctive relief) under the Act for the violations set forth in the Findings or future violations that Respondent might commit.
- B. Issuance of this Order does not affect the EPA's authority to seek additional information under Section 308 of the Act, 33 U.S.C. § 1318, or otherwise affect the EPA's ability to enforce the Permit or enforce or implement the Clean Water Act.
- C. In evaluating whether to initiate any future civil or administrative enforcement action or whether to seek additional information under Section 308 of the Act, EPA may (but is not required to) consider the extent to which Respondent has complied with the terms of this Order; including, but not limited to, the extent to which Respondent has submitted an approvable OERP, MOM Program or Amended Munn's Run schedule, and/or the extent to which Respondent has incorporated EPA comments on any OERP, MOM Program and Amended Munn's Run Schedule proposed by Respondent.
- D. Respondent agrees that the EPA has jurisdiction to issue this Order.
- E. Respondent neither admits nor denies liability for the violations identified in Paragraph G above, but waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

fact or law set forth in the Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

- F. Failure to comply with the terms of this Order on Consent may result in Respondent's liability for significant statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA in a district court of competent jurisdiction, the district court may impose such penalties if, after notice and opportunity for a hearing, the court determines that Respondent has violated the Act as described above and failed to comply with the term of this Order. In determining the amount of a any penalty the court will consider the seriousness of Respondent's violations, Respondent's economic benefit (if any) resulting from the violations, any history Respondent may have of such violations, any good faith efforts Respondent has made to comply with the applicable requirements, the economic impact the penalty may have upon the Respondent, and such other matters as justice may require..
- G. Respondent's compliance with this Order on Consent is not conditioned on the receipt of any federal, state or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any applications for the same.
- H. Respondent reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violations of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.
- I. This Order on Consent shall become effective upon the signature of the parties.

\_\_\_\_\_  
David Malone  
Mayor, City of Portsmouth

Date: \_\_\_\_\_

**EPA STAFF PROPOSAL: FOR CONSIDERATION IN NEGOTIATING POSSIBLE  
ADMINISTRATIVE ORDER ON CONSENT**

\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division

Date: \_\_\_\_\_

**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Monday, July 08, 2013 11:45 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth ACO Conference call





**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Monday, July 08, 2013 11:45 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth ACO Conference call



**Desai, Sudhir**

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**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Monday, July 08, 2013 11:52 AM  
**To:** Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara  
**Subject:** friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

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Ohio Environmental Protection Agency





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## Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area

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Frank Lewis

PDT Staff Writer

Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area.

"It's something I have been working on since before I was fired (Jan. 1, 2010)," Duncan said Friday.

The city must get down to work and get busy on their plan to make drastic changes to the Combined Sewer Overflows in the city. At Monday night's Portsmouth City Council meeting, during the Mayor's Conference Meeting, Council will bring forth for future action an administrative Order on Consent agreement with the U.S. Environmental Protection Agency and the Ohio EPA.

The Order on Consent agreement is the same draft order that the city and the EPA presented to the citizens of Portsmouth at a public hearing in February at Shawnee State University. The only changes between then and now are the 30-day comment period extension requested by President of Council Steve Sturgill at that meeting, and the dates for the implementation, which have not been finalized.



Duncan said a proposal pertaining to those dates has been presented to the EPA and an answer is expected between the Monday meeting and the next scheduled meeting. Duncan said the signing, if on schedule, should be in September.

The document deals with the fact that the city has several Combined Sewer Overflows (CSO), which means storm water and sanitary sewer discharge both into one system and Sanitary Sewer Overflows (SSO), the latter which is illegal.

"Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit," the Order on Consent reads.

"Yesterday (Thursday) it rained," Duncan said. "We have 10 approved CSOs in the city of Portsmouth. So there are 10 locations, that, only when it rains, we will get a bypass to the

W

 not allowed. So, if we have a sewer so  p station, and then we get raid, that pump station is overwhelmed by the rain getting into that sanitary sewer which is not supposed to have any storm water in it. That's an SSO. We're not supposed to have those. They exist. Every community has them. We have to report that. A CSO is written into our permit - we're allowed to have a CSO."

According to the Order on Consent, the day the document is signed by Portsmouth Mayor David Malone, "Respondent must immediately begin forwarding to EPA, a copy of all monthly and annual notifications and documents that Respondent submits to OEPA under Part I.B (CSO Monitoring) and Part II.F (SSO Reporting) of the NPDES Permit No. OPD00013\*LD regarding all CSO and SSO occurrences: These notifications and documents must include all information that is required under Parts I.B and II.F of NPDES Permit No. OPD00013\*LD. For the Sciotoville WWTP."

It goes on to say the city shall properly manage, operate, and maintain all parts of its Sewer System at all times. This shall include, but not be limited to providing adequate capacity to convey base flows and peak flows for all parts of the Sewer System; continuing to monitor for the existence of new SSOs and/or Unauthorized CSOs for all parts of the Sewer System and taking all feasible steps to stop SSOs and/or Unauthorized CSOs and to mitigate the impact of SSOs and/or Unauthorized CSOs.

The city would have 14 days to report all SSOs; a written report to the OEPA within five days of the date the city becomes aware of any release; within 60 calendar days of the effective date of the order, the city must submit for EPA approval an Overflow Emergency Response Plan that identifies measures to mitigate the impacts of any SSO and/or unauthorized CSO, and protect public health and the environment, and within 180 calendar days, prepare a Sewer Systems Management Operation and Maintenance Program for all parts of its sewer system.

"This order calls for us to put two storm water retention structures in the Grandview (Avenue) area. One would be adjacent to the (Southern Ohio Medical Center) hospital at the Emergency Room at SOMC. That ditch is south of the Emergency Room, and we just acquired that property," Duncan said. "And we're supposed to put a project on the 2300 block of Grandview. We also have to do downspout disconnections - follow up on that and continue that process."

Duncan said some sewers in that area have to be lined and made like nearly new sewers, and the city has to do some sewer separation work in that area, which means separating storm water and sanitary sewer discharge.

"And we have to complete what we have already started in the North Moreland area," Duncan said. "We're doing a sewer separation project in North Moreland, because we have an SSO. In wet weather, the sewers up there are so bad that the rain water gets into the sanitary sewer. These sewers were built in the 1920s. They are clay pipe and a lot of them are cracked, and a lot of the joints are bad because they filled them with mortar, and the mortar doesn't last forever. So we're (the contractor hired by the city) in the process now of lining those pipes up there. Then you have a new sewer on the inside. That process is about two-thirds done."

Duncan said the city also has to do a study of the Lawson Run sewer from top to bottom.



Articles

It involves inspecting the condition of the sewer to see if there's any detention failure points in it," Duncan said. "If there are, our plans are to rehabilitate that section of the sewer."

The Lawson Run sewer starts out at nine feet in diameter, and is 12 feet in diameter at the treatment plant.

"That really is the backbone of our collection system here in Portsmouth," Duncan said.

Duncan said the entire project has a price tag of around \$5 million, and he expects it to solve the flooding problems on Grandview Avenue. The citizens of some sections of Grandview Avenue have repeatedly experienced flooding in their homes when a large rainfall occurs, and have been in litigation with the city over that issue.

#### AOC Project Costs

| Project                                       | Cost        | Grant     | City Share  |
|-----------------------------------------------|-------------|-----------|-------------|
| North Moreland Sewer Lining                   | \$836,000   | \$836,000 | \$ -        |
| North Moreland MH Lining                      | \$136,000   | \$136,000 | \$ -        |
| 25th and Coles Street Retention Basin Project | \$360,000   | \$ -      | \$360,000   |
| 2300 Block of Grandview Projects              | \$4,360,000 | \$ -      | \$4,360,000 |
| Lawson Run Study and Inspection               | \$325,000   | \$ -      | \$325,000   |
| MOM and OERP Development and System Inventory | \$75,000    | \$ -      | \$75,000    |
| Equipment and Personnel Needs                 | TBD         | TBD       | TBD         |
| Totals \$6,092,000 \$972,000 \$5,120,000      |             |           |             |







"We believe and the EPA agrees this should take care of the problem on Grandview Avenue," Duncan said.

Duncan sent Malone and Council the planning level estimates which he says are likely to be conservative, meaning that when the projects are let out for bid the final costs may be less than those listed.

Duncan said grant funding, low interest and/or zero-interest financing will be pursued for the "25th and Coles Street Retention Basin" and the "2300 Block of Grandview" projects. (Possible grant funding sources are the Ohio Public Works Commission, Community Development Block Grants, and Ohio EPA. )

Estimated debt service needed to finance the projects in the AOC is expected to be between \$200,000 to \$300,000 annually, depending on the final cost of the projects and the availability of grant funding.

The City's annual wastewater revenues currently total more than \$3 million. If the proposed projects are funded entirely with wastewater funds, rates would have to be increased by 7

     percent. Implementing a stormwater fee Articles  service remains an option.

The two North Moreland projects are already funded.

Frank Lewis may be reached at 740-353-3101, ext. 252, or at [flewis@civitasmedia.com](mailto:flewis@civitasmedia.com). For breaking news, follow Frank on Twitter @FrankLewisPDT.

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**Desai, Sudhir**

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**From:** Finkelstein, Amber [Amber.Finkelstein@epa.state.oh.us]  
**Sent:** Monday, July 08, 2013 3:27 PM  
**To:** Desai, Sudhir  
**Subject:** Automatic reply: friend recommendation from Portsmouth Daily Times

I am out of the office and will return Tuesday, July 9. I will not have access to e-mail, and will respond when I return to the office.

If you need immediate assistance from an Ohio EPA public involvement coordinator, please call (614) 644-2160



**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Monday, July 08, 2013 4:19 PM  
**To:** Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara

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**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 3:26 PM  
**To:** Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

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I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai  
312/886-6704

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**Sent:** Monday, July 08, 2013 11:52 AM  
**To:** Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara  
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Ohio Environmental Protection Agency

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**From:** Vantil, Barbara  
**Sent:** Tuesday, July 09, 2013 8:59 AM  
**To:** Foster, Scott; Witte, Jennifer; Desai, Sudhir  
**Subject:** long-term requirements

Not extensive, but this is what we have.

**First page says:**

In particular, this Compliance Order on Consent sets forth a series of agreed measures and a schedule that the Respondent will implement that will be the first phase of a multiphase process.

**Required long-term reporting:**

Overflow reports (ongoing)  
Bimonthly reports – CMOM status, etc. (ongoing)  
Annual reports (ongoing)  
Feasibility Study

**Post-construction monitoring**

1 yr for Munn's Run  
2 years for Grandview/Lawson Run projects – into @ 2017





## Desai, Sudhir

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 9:03 AM  
**To:** Vantil, Barbara; Witte, Jennifer; Desai, Sudhir  
**Subject:** RE: long-term requirements

I called and left a voicemail for Sudhir. Rick left a message saying council was receptive to AOC and everything was on track. They were ready to implement legislation to move forward.

---

**From:** Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
**Sent:** Tuesday, July 09, 2013 9:59 AM  
**To:** Foster, Scott; Witte, Jennifer; Desai, Sudhir  
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## Desai, Sudhir

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**From:** Vantil, Barbara  
**Sent:** Tuesday, July 09, 2013 11:42 AM  
**To:** Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

---

**From:** Strouse, Erin [<mailto:Erin.Strouse@epa.state.oh.us>]  
**Sent:** Tuesday, July 09, 2013 11:08 AM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

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Erin

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**From:** Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]  
**Sent:** Monday, July 08, 2013 5:19 PM  
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312/886-6704

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**From:** Strouse, Erin [Erin.Strouse@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 11:47 AM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

True. Thanks, Barbara!

---

**From:** Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
**Sent:** Tuesday, July 09, 2013 12:42 PM  
**To:** Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
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**To:** Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara  
**Subject:** friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency

## Desai, Sudhir

---

**From:** Strouse, Erin [Erin.Strouse@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 11:47 AM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

True. Thanks, Barbara!

---

**From:** Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
**Sent:** Tuesday, July 09, 2013 12:42 PM  
**To:** Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

---

**From:** Strouse, Erin [mailto:Erin.Strouse@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 11:08 AM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Unfortunately, the reporter did not call to get any input from us on this article, and it's difficult to ask for a correction since the incorrect statement was within a quote attributed to Mr. Duncan.

If the city is providing incorrect information to the people, perhaps the city is unaware of the information Sudhir shared? Perhaps the best route is to communicate these things with Mr. Duncan during your next conversation with him. Does anyone plan to speak with him anytime soon?

Erin

---

**From:** Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
**Sent:** Monday, July 08, 2013 5:19 PM  
**To:** Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara

---

**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 3:26 PM  
**To:** Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5 Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai  
312/886-6704

---

**From:** Foster, Scott [mailto:scott.foster@epa.state.oh.us]  
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Sudhir Desai  
312/886-6704

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Ohio Environmental Protection Agency

## **Desai, Sudhir**

---

**From:** Perdomo, Susan  
**Sent:** Wednesday, July 10, 2013 8:14 AM  
**To:** Desai, Sudhir  
**Subject:** RE: Grandview flooding

Thanks Sudhir. I'm also sorry we didn't get to work some more together. Maybe soon. Sue

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Wednesday, July 10, 2013 7:55 AM  
**To:** Perdomo, Susan  
**Subject:** RE: Grandview flooding

Hi Sue,

I have deleted your name from my group. You are on Barbara's group looks like.

Thank you for your advise on the case matter. It is nice working with you, though for a short time.

Sudhir

---

**From:** Perdomo, Susan  
**Sent:** Wednesday, July 10, 2013 6:13 AM  
**To:** Desai, Sudhir  
**Subject:** RE: Grandview flooding

Sudhir - Now that Gary is back, you can delete me from the Portsmouth group. Thanks, Sue

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Tuesday, July 09, 2013 10:22 PM  
**To:** Foster, Scott; Vantil, Barbara; rduncan1@falcon1.net; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
**Subject:** RE: Grandview flooding

I am available and will send the invite on Thursday am.  
Please let me know if you have any agenda item to discuss.

thank you.

Sudhir

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 3:15 PM  
**To:** Vantil, Barbara; rduncan1@falcon1.net; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
**Subject:** RE: Grandview flooding

I'm available Friday till 12. I can adjust my schedule if need be.

From: Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
Sent: Tuesday, July 09, 2013 3:51 PM  
To: Vantil, Barbara; rduncan1@falcon1.net; David Malone  
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
Subject: RE: Grandview flooding

Hi, all - please see attached comments to the City's proposed changes to the dates in the AOC. EPA and Ohio EPA have a few comments/questions relating to the language proposed for the 25th & Coles and Lawson Run projects. If possible, I'd like to schedule a call as soon as possible to discuss these. This appears to be the last items we need to finalize.

I'm out for the last couple of weeks in July. Would it be possible to have a call this Friday, July 12th?

Thanks, all. We're getting there! I'm glad to here things went well yesterday.

Barbara

From: Vantil, Barbara  
Sent: Tuesday, July 09, 2013 9:24 AM  
To: rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; 'David Malone'  
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Susan Perdomo; Gary Prichard  
Subject: FW: Grandview flooding

Hi, Rick - I wasn't sure if anyone had brought the comments below to your attention. Folks seem unaware that, rather than having storm and/or wastewater accumulate in their basements, the disconnected downspouts will create run-off in the streets. (Your engineering department will need to deal with that at some point.) As you continue to work with citizens on issues relating to downspouts, please consider observations such as Mr. Essman's as you communicate with the community.

I'll be sending comments on the injunctive relief ports of the order today. We did have a question regarding the smoke testing you've proposed. What is the timing on that? Also, has Mr. Haas gotten any further information on the past court case regarding "grandfathering" of homes?

Thanks - Barbara

From: Jane Murray [mailto:mjanemurray@yahoo.com]  
Sent: Monday, July 01, 2013 12:23 PM  
To: Desai, Sudhir  
Cc: Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell; scott.foster@epa.state.oh.us<mailto:scott.foster@epa.state.oh.us>  
Subject: Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

M. Jane Murray

----- Forwarded Message -----

From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>  
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel  
<noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin  
<leedomaustin@yahoo.com<mailto:leedomaustin@yahoo.com>>; Jane Murray  
<mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>  
Sent: Monday, July 1, 2013 10:58 AM  
Subject: FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

-----Original Message-----

From: L Essman [mailto:lessman@roadrunner.com<mailto:lessman@roadrunner.com>]  
Sent: Monday, July 01, 2013 10:56 AM  
To: Steve Sturgill  
Cc: councilmembermeadows@gmail.com<mailto:councilmembermeadows@gmail.com>;  
kwwj@roadrunner.com<mailto:kwwj@roadrunner.com>;  
kevine1954@hotmail.com<mailto:kevine1954@hotmail.com>;  
rich@saddler.me<mailto:rich@saddler.me>  
Subject: RE: Grandview flooding

Steve et al,

I had never seen flooding on Grandview to the extent it occurred on Saturday. We could not even leave the house to go to church. The whole street virtually turned into a river. What was really different was water continued to come up out of the 'drip sewers' and run down the street even twenty minutes or more after the rain had stopped. Howard Baughman's brother in law told Loretta that he had never seen that happen before and I had never seen it happen either.

It appears to me the situation is deteriorating in this neighborhood. We need action not more studies of the problem. The City has been studying the problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

In stead of paying for more studies it might be cheaper to buy out the property owners in the 2400 block of Grandview and turn the block into a parking lot for the hospital of some other use.

Again, I thank all of you for your concern about this problem. I hope that we can begin to see some real progress.

LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:sssturgill@zoomnet.net<mailto:sssturgill@zoomnet.net>]

Sent: Monday, July 01, 2013 8:04 AM

To: L Essman

Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles.  
Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <lessman@roadrunner.com<mailto:lessman@roadrunner.com>> wrote:

> Gene,

>  
> This last rain completely flooded Grandview. Water was shooting up  
> out of all storm sewer and the street was completely flooded flooded.

>  
> Water is still running down the east side of the street from the  
> intersection of 25th Street. There is no water entering the drip sewer.

My

> neighbor and I think the water is seeping up through the blacktop.

> If

you

> are close by you may want to come by and look at this.

>

> So far I am only getting the seepage caused by Rick's downspout  
> removal program.

>

> Larry

>

## **Desai, Sudhir**

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, July 10, 2013 8:28 AM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth ACO Conference call

Hi Barbara,

I will have the same agenda items for Friday's call.

Sudhir

---

**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 8:05 AM  
**To:** Barbara VanTil; Witte, Jennifer; Foster, Scott  
**Subject:** Portsmouth ACO Conference call  
**When:** Monday, July 08, 2013 12:00 PM-1:00 PM.  
**Where:** R5Metcalfe-ConfRm-R1516/R5-Metcalfe---15th-Floor;

Here is the proposed agenda for the conference call.

1. Discussion about the ACO in light of Malone's request and Duncan's response
2. ACO changes
3. 3. Next call

We will originate the call.

Thank you.

Sudhir  
312/886-6704





## **Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, July 10, 2013 8:52 AM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth ACO Conference call

If we have time, I'd like to talk about whether there are supplementary items Portsmouth would like to provide with respect to our responsiveness summary. Examples could include conceptual drawings of the 2400 block storage tank.

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, July 10, 2013 8:30 AM  
**To:** Vantil, Barbara  
**Subject:** FW: Portsmouth ACO Conference call

My computer is acting funny this am.

Sudhir

---

**From:** Desai, Sudhir  
**Sent:** Wednesday, July 10, 2013 8:27 AM  
**To:** Desai, Sudhir  
**Subject:** RE: Portsmouth ACO Conference call

Hi Barbara,

I will have the same agenda items for Friday's call.

Sudhir

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**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 8:05 AM  
**To:** Barbara VanTil; Witte, Jennifer; Foster, Scott  
**Subject:** Portsmouth ACO Conference call  
**When:** Monday, July 08, 2013 12:00 PM-1:00 PM.  
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Here is the proposed agenda for the conference call.

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2. ACO changes
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We will originate the call.

Thank you.

Sudhir  
312/886-6704

**Desai, Sudhir**

---

**From:** gary prichard [garyoprichard@gmail.com]  
**Sent:** Wednesday, July 10, 2013 9:38 AM  
**To:** Vantil, Barbara; Desai, Sudhir  
**Cc:** Prichard, Gary  
**Subject:** Portsmouth and Ham Cty

Hi Barbara and Sudhir,

I know we have some catching up to do on Portsmouth and Hamilton County. I'm working at home today and unable to access the EPA email system. Can we get together sometime thursday or Friday when I'm back in the office? I think my electronic calendar is up to date (though I can't access it today) if you want to schedule something.

Thanks,  
Gary



**Desai, Sudhir**

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, July 10, 2013 9:42 AM  
**To:** gary prichard; Desai, Sudhir  
**Cc:** Prichard, Gary  
**Subject:** RE: Portsmouth and Ham Cty

Yes, that would be good, particularly since I'm on leave starting Monday afternoon. I'll send an invite.

-----Original Message-----

**From:** gary prichard [<mailto:garyoprichard@gmail.com>]  
**Sent:** Wednesday, July 10, 2013 9:38 AM  
**To:** Vantil, Barbara; Desai, Sudhir  
**Cc:** Prichard, Gary  
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Thanks,  
Gary



## Desai, Sudhir

---

**From:** Vantil, Barbara  
**Sent:** Wednesday, July 10, 2013 10:45 AM  
**To:** Desai, Sudhir  
**Subject:** FW: Grandview flooding

Scott won't be able to make 12 our time on Friday. We need to go earlier if possible.

---

**From:** Foster, Scott [mailto:scott.foster@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 3:15 PM  
**To:** Vantil, Barbara; rduncan1@falcon1.net; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
**Subject:** RE: Grandview flooding

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**To:** Vantil, Barbara; rduncan1@falcon1.net; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
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I'm out for the last couple of weeks in July. Would it be possible to have a call this Friday, July 12<sup>th</sup>?

Thanks, all. We're getting there! I'm glad to here things went well yesterday.

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Thanks - Barbara

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**From:** Jane Murray [<mailto:mjanemurray@yahoo.com>]  
**Sent:** Monday, July 01, 2013 12:23 PM  
**To:** Desai, Sudhir  
**Cc:** Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell; [scott.foster@epa.state.oh.us](mailto:scott.foster@epa.state.oh.us)  
**Subject:** Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

### M. Jane Murray

----- Forwarded Message -----

**From:** L Essman <[lessman@roadrunner.com](mailto:lessman@roadrunner.com)>  
**To:** Robert Forrey <[robert.rforr1@gmail.com](mailto:robert.rforr1@gmail.com)>; Richard Noel <[noelricharde@hotmail.com](mailto:noelricharde@hotmail.com)>; Austin <[leedomastin@yahoo.com](mailto:leedomastin@yahoo.com)>; Jane Murray <[mjanemurray@yahoo.com](mailto:mjanemurray@yahoo.com)>  
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**Sent:** Monday, July 01, 2013 10:56 AM  
**To:** Steve Sturgill  
**Cc:** [councilmembermeadows@gmail.com](mailto:councilmembermeadows@gmail.com); [kwwj@roadrunner.com](mailto:kwwj@roadrunner.com); [kevine1954@hotmail.com](mailto:kevine1954@hotmail.com); [rich@saddler.me](mailto:rich@saddler.me)  
**Subject:** RE: Grandview flooding

Steve et al,

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problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

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Subject: Re: Grandview flooding

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My  
> neighbor and I think the water is seeping up throught the blacktop. If  
you  
> are close by you may want to come by and look at this.  
>  
> So far I am only getting the seepage caused by Rick's downspout removal  
> program.  
>

|> Larry  
|>

**Desai, Sudhir**

---

**From:** Strouse, Erin [Erin.Strouse@epa.state.oh.us]  
**Sent:** Wednesday, July 10, 2013 2:19 PM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

## **Council: Finance Sewer project or get sued**

07.10.13 - 01:00 am

Frank Lewis

PDT Staff Writer

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Sturgill said the plan negotiated by the city and approved by the EPA is significant.

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One of the people who has repeatedly been affected by floods is Grandview Avenue resident Larry Essman, who sent a letter to Council, "I feel the sewer problems are worsening as a result of the downspout removal program that was implemented. As I mentioned before the program was started, the proximity of the homes and the topography of the land would cause seepage in basements unless the removal was carefully monitored by the city to ensure that it was properly done without impacting a neighbor's property. This was not done and I have experience seepage multiple times during the last two weeks of rain."

Essman went on to say, "We have had a multitude of consultants provide plans for remediation of this problem. Over \$1,000,000 of taxpayer money has been spent on these plans and reports and yet nothing has been accomplished. In considering these plans, Council should seek approval of the EPA since they seem to have the staff most knowledgeable in this area."

Council chose Alternative No. 1 and will bring the issue up for first reading at the next City Council meeting, and Fifth Ward Councilman Gene Meadows said it is important that impacted citizens attend the meetings and speak up. Shirttail

Frank Lewis may be reached at 740-353-3101,

---

**From:** Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]

**Sent:** Tuesday, July 09, 2013 12:42 PM

**To:** Strouse, Erin; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

**Subject:** RE: friend recommendation from Portsmouth Daily Times

Thanks, Erin. It's also difficult to tell whether Mr. Duncan is always quoted correctly.

---

**From:** Strouse, Erin [<mailto:Erin.Strouse@epa.state.oh.us>]

**Sent:** Tuesday, July 09, 2013 11:08 AM

**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

**Subject:** RE: friend recommendation from Portsmouth Daily Times

Unfortunately, the reporter did not call to get any input from us on this article, and it's difficult to ask for a correction since the incorrect statement was within a quote attributed to Mr. Duncan.

If the city is providing incorrect information to the people, perhaps the city is unaware of the information Sudhir shared? Perhaps the best route is to communicate these things with Mr. Duncan during your next conversation with him. Does anyone plan to speak with him anytime soon?

Erin

---

**From:** Vantil, Barbara [<mailto:vantil.barbara@epa.gov>]

**Sent:** Monday, July 08, 2013 5:19 PM

**To:** Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin

**Subject:** RE: friend recommendation from Portsmouth Daily Times

Hi, all - Where the State has clear language about PTIs, they can feel free to comment. Our Office of Public Affairs generally avoids making corrections to press statements.

Barbara



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**From:** Desai, Sudhir  
**Sent:** Monday, July 08, 2013 3:26 PM  
**To:** Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

Duncan should make it clear there are Phase II projects that will cost significantly more than \$5 Million. Additionally, Grandview Avenue project was supposed to cost \$2 Million or so. This is now listed as a \$4 Million project. So the value of the debt service will change also.

Also, EPA does not have any completed technical documents to provide any opinion about success of the project. So whether the project will yield the successful outcome or not cannot be guaranteed.

I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai  
312/886-6704

---

**From:** Foster, Scott [<mailto:scott.foster@epa.state.oh.us>]  
**Sent:** Monday, July 08, 2013 11:52 AM  
**To:** Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara  
**Subject:** friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

There are comments in this article that I do not agree with. The EPA doesn't guarantee any project to work. He stated that we agree this will fix the Grandview Avenue problem. It's on every PTI that we guarantee no project to work:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of

pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency

## **Desai, Sudhir**

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**From:** Vantil, Barbara  
**Sent:** Wednesday, July 10, 2013 2:41 PM  
**To:** Desai, Sudhir; Strouse, Erin; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Thanks, all. I have shared this with our attorney, and my immediate management as an FYI. I leave for vacation Monday afternoon, so I'd love to wrap this up shortly.

I really appreciate all the work everyone has put into this.

Barbara

-----Original Message-----

**From:** Desai, Sudhir  
**Sent:** Wednesday, July 10, 2013 2:39 PM  
**To:** Strouse, Erin; Vantil, Barbara; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Thank you for sharing the article. Good publicity on the issues.

Sudhir

---

**From:** Strouse, Erin [Erin.Strouse@epa.state.oh.us]  
**Sent:** Wednesday, July 10, 2013 2:20 PM  
**To:** Vantil, Barbara; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber  
**Subject:** RE: friend recommendation from Portsmouth Daily Times

Another article

Sturgill says sewer rates will go up substantially

07.10.13 - 01:00 am

Frank Lewis

PDT Staff Writer

Portsmouth City Council under no uncertain terms made it plain Monday night that the citizens of Portsmouth are going to pay higher and higher sewer rates in order for the city to pay for the Order on Consent, which will cost from \$5 million to \$6 million.

"Most of the money is going to come from the people in this community," President of City Council Steve Sturgill said. "There will be a substantial increase in sewer rates over the course of the next several years. Basically what we're doing with this Consent Agenda is agreeing to the terms that the EPA is putting before us. And basically that they are telling us that we're going to have to do is develop a budget so the Sewer Department can go and do all of the things that they are requiring us to do by this Consent Order."

Sturgill said the plan negotiated by the city and approved by the EPA is significant.

"But again, unfortunately as we move forward, something that I have talked about in Council for at least a year - people need to get ready. The services that this city has provided them over the last 25 years are going to continually go up," Sturgill said. "And this one is going to be a major increase, when, in fact, it is fully implemented."

Sturgill said once the city passes the order, things will change drastically.

"There will no longer be a time when Mr. (Wastewater Director Rick) Duncan would come in here to a budget meeting and ask for \$50,000 to do so work and we turn him down. That's not the way it's going to be anymore."

Duncan laid out the Order on Consent which is to deal with the replacement of the city's Combined Sewer Overflows to the Daily Times last week.

The Order on Consent agreement is the same draft order that the city and the EPA presented to the citizens of Portsmouth at a public hearing in February at Shawnee State University. The only changes between then and now are the 30-day comment period extension requested by Sturgill at that meeting, and the dates for the implementation, which have not been finalized. Duncan said a proposal pertaining to those dates has been presented to the EPA and an answer is expected before the next City Council meeting. Duncan said the signing, if on schedule, should be in September.

The document deals with the fact that the city has several Combined Sewer Overflows (CSO), which means storm water and sanitary sewer discharge both into one system and Sanitary Sewer Overflows (SSO), the latter which is illegal.

Page 2 of 2

"The EPA is telling us to spend this money to fix these problems," Sturgill said. "Right now we're dealing with \$6 million. And one of the things I hope to clear up between now and the time I leave Council is this comparison of this \$70 million. I'm not sure we're still comparing apples to apples. I think we've still got a little bit of, 'well, this is what they said it was going to cost, and I've reduced the cost.' I'm just not sure that we're being completely forthright about what this is going to cost. That's not a slight at anybody. Mr. Duncan for the most part has done all of this work by himself. It has put him in a bad situation. Either he is being asked to produce documents which he cannot produce, for the most part because he doesn't have anybody to do that."

The (Long Term Control) plan was originally submitted by former Portsmouth Mayor Jane Murray at a price of \$70 million. This negotiated project replaces the original plan.

"The Consent Order says that we will meet these obligations," Sturgill said. "And what I'm looking for, as just one Council representative, is how we're going to pay for meeting just the very basics within that Consent Order. There's a lot of design, a lot of planning that has to be done. Mr. Duncan can't do it by himself."

Sturgill said the Wastewater Department has been in deficit, but is now returning to the black, thanks to a three percent increase in sewer rates this year.

"I know there has been a lot of increases over the last two years, and they are necessary increases," Second Ward Councilman Rich Saddler said. "Compared to a lot of other cities of our size or even smaller, we're paying a lot less than some of these other cities for our services, because we're trying to maintain something larger than we should have. Nobody wants to pay more taxes. Nobody wants to pay more fees, or anything like that. But it's something that we have to do. And if we have to increase sewage rates, or put a surcharge on some of the businesses, the churches, and these non-profits that do not pay into our system right now, I feel that they need to pay. Anybody that has not paid, needs to pay at this time." Meanwhile, Duncan talked with the Daily Times about that fee.

"The ones who are tax exempt, universities, businesses with tax abatements, the county buildings - the (Scioto) County Jail, it really adds up to quite a bit," Duncan said. "And we're looking at a storm water fee that would help pay for some of this. We don't want to double-tax people who are already paying Flood Defense. We don't want to put on them too, so we're looking at exempting those that are already paying a Flood Defense fee, so they don't have to pay it twice. If you pay property taxes already, we would just exempt you from having to pay the Storm water fee. So, if you don't pay property taxes, then you end up paying your fair share in storm water fees."

Frank Lewis may be reached at 740-353-3101, ext. 252, or at [flewis@civitasmedia.com](mailto:flewis@civitasmedia.com). For breaking news, follow Frank on Twitter @FrankLewisPDT.

@portsmouth

From: Strouse, Erin

Sent: Wednesday, July 10, 2013 3:19 PM

To: 'Vantil, Barbara'; Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber

Subject: RE: friend recommendation from Portsmouth Daily Times

Council: Finance Sewer project or get sued

07.10.13 - 01:00 am

Frank Lewis

PDT Staff Writer

A new face was present at Monday night's Portsmouth City Council meeting, Jessica DeMonte of the Squire Sanders law firm. And when City Council went into executive session for an hour and 20 minutes, she went with them.

"She's our legal counsel in our dealings with the EPA," Portsmouth Wastewater Director Rick Duncan said. "With their (EPA) lawyers, we have to have an experienced lawyer on our side."

It was evident among the discussion on the issue of the Order on Consent with the Environmental Protection Agency, that if the city fails to pass the ordinance, putting the CSO replacement project into motion, they can expect to be sued by the EPA.

The order came up during Monday night's Mayor's Conference Agenda to be considered for passage after three readings on the regular Council agenda.

"The overarching theme that I want to impress upon you is that this was negotiated and is in force by us, and it is not something that if we did not pass it, it might entail litigation with the Ohio EPA, the U.S. EPA, the Department of Justice, and the Attorney General," Portsmouth City Solicitor John Haas said. "And in that point and time, we would lose a lot of the input that we have been able to negotiate with the EPA. To me, from where we were a year and a half ago to where we are now is a much better deal for us, and I would ask Council to authorize Alternative No. 1."

Thoughts on initiating more movement on the EPA's requests was echoed.

"The mayor has mentioned that we have been behind the eight ball for some time, and this has been going on since everyone, save former mayor (Jim) Kalb has been on Council, and the mayor has been around for almost the entire time this has been going on," First Ward Councilman Kevin W. Johnson said. "I think it has been communicated to us that in one way or another we have to fish or cut bait. The alternative for us, if we do not do this, is that the Ohio EPA, the U.S. EPA would turn to the Attorney General's office and sue us. And you might also want to know that they have been awfully successful in the past with other cities that have failed to develop a plan. We cannot afford that."

Second Ward Councilman Rich Saddler referred to the Lawson Run Sewer system, which is at the center of the project, as the "backbone of our services."

"If the backbone breaks down the entire infrastructure breaks down," Saddler said. "So we need to, as citizens, step up. I hate to ask people to whip out their billfolds again, but that's the only option. And if we don't take care of this, it's going to cost us a lot more money in the long run than what it would be if we just bite the bullet now. If we don't do this, it could be the end of Portsmouth."

Page 2 of 2

Third Ward Councilman Kevin E. Johnson visited the Grandview area when it was flooded over this past weekend and took photos of the damage.

"What can't be lost in the shuffle is the residents," Johnson said. "We have people that live right here in our city, that when it rains, they have to go to their basement. They have to break all their plans, change their plans and go to their basements and start cleaning up water. That's no way to live."

One of the people who has repeatedly been affected by floods is Grandview Avenue resident Larry Essman, who sent a letter to Council, "I feel the sewer problems are worsening as a result of the downspout removal program that was implemented. As I mentioned before the program was started, the proximity of the homes and the topography of the land would cause seepage in basements unless the removal was carefully monitored by the city to ensure that it was properly done without impacting a neighbor's property. This was not done and I have experience seepage multiple times during the last two weeks of rain."

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Council chose Alternative No. 1 and will bring the issue up for first reading at the next City Council meeting, and Fifth Ward Councilman Gene Meadows said it is important that impacted citizens attend the meetings and speak up.

Shirttail

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Sent: Monday, July 08, 2013 5:19 PM  
To: Desai, Sudhir; Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin  
Subject: RE: friend recommendation from Portsmouth Daily Times

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Barbara

From: Desai, Sudhir  
Sent: Monday, July 08, 2013 3:26 PM

To: Foster, Scott; Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Vantil, Barbara  
Subject: RE: friend recommendation from Portsmouth Daily Times

Hi Scott,

Thank you for sharing the article.

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I recommend we should inform the news paper that there are inaccuracies in the article that must be cleared.

Thank you.

Sudhir Desai  
312/886-6704

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Sent: Monday, July 08, 2013 11:52 AM  
To: Witte, Jennifer; Finkelstein, Amber; Strouse, Erin; Desai, Sudhir; Vantil, Barbara  
Subject: friend recommendation from Portsmouth Daily Times

A friend recommended the article "Frank Lewis PDT Staff Writer Portsmouth Wastewater Director Rick Duncan said he is happy to be moving forward on solving Combined Sewer Overflow problems in the Grandview Avenue area" for you. Read it at <http://portsmouth-dailytimes.com/bookmark/23058758/article-Frank-Lewis-PDT-Staff-Writer-Portsmouth-Wastewater-Director-Rick-Duncan-said-he-is-happy-to-be-moving-forward-on-solving-Combined-Sewer-Overflow-problems-in-the-Grandview-Avenue-area>.

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**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Wednesday, July 10, 2013 4:22 PM  
**To:** Desai, Sudhir  
**Cc:** Vantil, Barbara  
**Subject:** RE: Grandview flooding

12 pm eastern is good. Sorry I missed your call. I was out in the field today. Thanks!

-----Original Message-----

**From:** Desai, Sudhir [mailto:desai.sudhir@epa.gov]  
**Sent:** Wednesday, July 10, 2013 12:16 PM  
**To:** Foster, Scott  
**Cc:** Vantil, Barbara  
**Subject:** FW: Grandview flooding

Hi Scott,

I called you just a few min. ago to touch base with you. Sorry, I missed you.

Is 11 am central time/12 pm eastern time convenient to you? Please let me know asap. Once you confirm the time, I will resend invite and see if others are available for the conference call.

You can reach me today at 847/949-0797.

Thank you.

Sudhir

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**From:** Vantil, Barbara  
**Sent:** Wednesday, July 10, 2013 10:44 AM  
**To:** Desai, Sudhir  
**Subject:** FW: Grandview flooding

Scott won't be able to make 12 our time on Friday. We need to go earlier if possible.

**From:** Foster, Scott [mailto:scott.foster@epa.state.oh.us]  
**Sent:** Tuesday, July 09, 2013 3:15 PM  
**To:** Vantil, Barbara; rduncan1@falcon1.net; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com); Lyons, John; Perdomo, Susan; Prichard, Gary  
**Subject:** RE: Grandview flooding

I'm available Friday till 12. I can adjust my schedule if need be.

**From:** Vantil, Barbara [mailto:vantil.barbara@epa.gov]  
**Sent:** Tuesday, July 09, 2013 3:51 PM  
**To:** Vantil, Barbara; rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; David Malone  
**Cc:** Ruggles, Kris; Witte, Jennifer; Foster, Scott; Desai, Sudhir; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Perdomo, Susan; Prichard, Gary  
**Subject:** RE: Grandview flooding

Hi, all - please see attached comments to the City's proposed changes to the dates in the AOC. EPA and Ohio EPA have a few comments/questions relating to the language proposed for the 25th & Coles and Lawson Run projects. If possible, I'd like to schedule a call as soon as possible to discuss these. This appears to be the last items we need to finalize.

I'm out for the last couple of weeks in July. Would it be possible to have a call this Friday, July 12th?

Thanks, all. We're getting there! I'm glad to here things went well yesterday.

Barbara

From: Vantil, Barbara  
Sent: Tuesday, July 09, 2013 9:24 AM  
To: rduncan1@falcon1.net<mailto:rduncan1@falcon1.net>; 'David Malone'  
Cc: Ruggles, Kris; Witte, Jennifer; Foster, Scott; Sudhir Desai; DeMonte, Jessica E. (Jessica.DeMonte@squiresanders.com<mailto:Jessica.DeMonte@squiresanders.com>); Lyons, John; Susan Perdomo; Gary Prichard  
Subject: FW: Grandview flooding

Hi, Rick - I wasn't sure if anyone had brought the comments below to your attention. Folks seem unaware that, rather than having storm and/or wastewater accumulate in their basements, the disconnected downspouts will create run-off in the streets. (Your engineering department will need to deal with that at some point.) As you continue to work with citizens on issues relating to downspouts, please consider observations such as Mr. Essman's as you communicate with the community.

I'll be sending comments on the injunctive relief ports of the order today. We did have a question regarding the smoke testing you've proposed. What is the timing on that? Also, has Mr. Haas gotten any further information on the past court case regarding "grandfathering" of homes?

Thanks - Barbara

From: Jane Murray [mailto:mjanemurray@yahoo.com]  
Sent: Monday, July 01, 2013 12:23 PM  
To: Desai, Sudhir  
Cc: Larry Essman; Maraldo, Dean; Vantil, Barbara; Fred Snell; scott.foster@epa.state.oh.us<mailto:scott.foster@epa.state.oh.us>  
Subject: Fw: Grandview flooding

Dear Sudhir:

Please review the following email exchanges regarding Saturday's flooding.

Thank you.

Jane

M. Jane Murray

----- Forwarded Message -----

From: L Essman <lessman@roadrunner.com<mailto:lessman@roadrunner.com>>  
To: Robert Forrey <robert.rforr1@gmail.com<mailto:robert.rforr1@gmail.com>>; Richard Noel <noelricharde@hotmail.com<mailto:noelricharde@hotmail.com>>; Austin

<leedomastin@yahoo.com<mailto:leedomastin@yahoo.com>>; Jane Murray  
<mjanemurray@yahoo.com<mailto:mjanemurray@yahoo.com>>  
Sent: Monday, July 1, 2013 10:58 AM  
Subject: FW: Grandview flooding

Jane,

Could you please forward this to Sudir. I think he needs to know about this.

-----Original Message-----

From: L Essman [mailto:lessman@roadrunner.com<mailto:lessman@roadrunner.com>]  
Sent: Monday, July 01, 2013 10:56 AM  
To: Steve Sturgill  
Cc: councilmembermeadows@gmail.com<mailto:councilmembermeadows@gmail.com>;  
kwwj@roadrunner.com<mailto:kwwj@roadrunner.com>;  
kevine1954@hotmail.com<mailto:kevine1954@hotmail.com>;  
rich@saddler.me<mailto:rich@saddler.me>  
Subject: RE: Grandview flooding

Steve et al,

I had never seen flooding on Grandview to the extent it occurred on Saturday. We could not even leave the house to go to church. The whole street virtually turned into a river. What was really different was water continued to come up out of the 'drip sewers' and run down the street even twenty minutes or more after the rain had stopped. Howard Baughman's brother in law told Loretta that he had never seen that happen before and I had never seen it happen either.

It appears to me the situation is deteriorating in this neighborhood. We need action not more studies of the problem. The City has been studying the problem for 16 years now and the situation just continues to deteriorate. We also noticed pieces of blacktop washed down the street this time.

In stead of paying for more studies it might be cheaper to buy out the property owners in the 2400 block of Grandview and turn the block into a parting lot for the hospital of some other use.

Again, I thank all of you for your concern about this problem. I hope that we can begin to see some real progress.

LE

I would still like to know how many residents removed their downspouts to comply with Duncan's order. No report was ever given by the mayor in response to Council's request for that information.

-----Original Message-----

From: Steve Sturgill [mailto:sssturgill@zoomnet.net<mailto:sssturgill@zoomnet.net>]  
Sent: Monday, July 01, 2013 8:04 AM  
To: L Essman  
Subject: Re: Grandview flooding

Larry,

I was out of town Saturday afternoon, so sorry for your continued troubles.  
Everything ok this morning.

Steve

On 6/29/13 5:52 PM, "L Essman" <lessman@roadrunner.com<mailto:lessman@roadrunner.com>> wrote:

> Gene,  
>  
> This last rain completely flooded Grandview. Water was shooting up  
> out of all storm sewer and the street was completely flooded flooded.  
>  
> Water is still running down the east side of the street from the  
> intersection of 25th Street. There is no water entering the drip sewer.  
My  
> neighbor and I think the water is seeping up through the blacktop.  
> If  
you  
> are close by you may want to come by and look at this.  
>  
> So far I am only getting the seepage caused by Rick's downspout  
> removal program.  
>  
> Larry  
>

**Desai, Sudhir**

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**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Wednesday, July 10, 2013 4:32 PM  
**To:** Desai, Sudhir  
**Subject:** RE:

That's a good time. Thanks!

-----Original Message-----

**From:** Desai, Sudhir [mailto:desai.sudhir@epa.gov]  
**Sent:** Wednesday, July 10, 2013 3:41 PM  
**To:** Foster, Scott  
**Subject:**

Thank you for sharing the articles.

Interesting.

11 am central time/12 pm is fine for the call on Friday? Pl. let me know asap.

sudhir



## Desai, Sudhir

---

**From:** Microsoft Outlook  
**To:** dei.sudhir@epa.gov  
**Sent:** Wednesday, July 10, 2013 5:54 PM  
**Subject:** Undeliverable: FW: R5 CD/GI Experiences Webinar -

### Delivery has failed to these recipients or groups:

[dei.sudhir@epa.gov](mailto:dei.sudhir@epa.gov) (dei.sudhir@epa.gov)

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

### Diagnostic information for administrators:

Generating server: BN1PR09MB012.namprd09.prod.outlook.com

[dei.sudhir@epa.gov](mailto:dei.sudhir@epa.gov)

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

### Original message headers:

Received: from BN1PR09MB009.namprd09.prod.outlook.com (10.255.201.141) by BN1PR09MB012.namprd09.prod.outlook.com (10.255.201.148) with Microsoft SMTP Server (TLS) id 15.0.731.12; Wed, 10 Jul 2013 22:53:55 +0000  
Received: from BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.223]) by BN1PR09MB009.namprd09.prod.outlook.com ([169.254.14.120]) with mapl id 15.00.0731.000; Wed, 10 Jul 2013 22:53:55 +0000  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: "Desai, Sudhir" <[desai.sudhir@epa.gov](mailto:desai.sudhir@epa.gov)>  
To: "dei.sudhir@epa.gov" <[dei.sudhir@epa.gov](mailto:dei.sudhir@epa.gov)>  
Subject: FW: R5 CD/GI Experiences Webinar -  
Thread-Topic: R5 CD/GI Experiences Webinar -  
Thread-Index: AQHOfb+5M1W1fTY7cUO9nGIXd3mJCJlehRVC  
Date: Wed, 10 Jul 2013 22:53:54 +0000  
Message-ID: <[9f261082dead4c1399c5aed254d95203@BN1PR09MB009.namprd09.prod.outlook.com](mailto:9f261082dead4c1399c5aed254d95203@BN1PR09MB009.namprd09.prod.outlook.com)>  
References: <[2d50a050d8d24578bb5ab203a4b4e955@BN1PR09MB043.namprd09.prod.outlook.com](mailto:2d50a050d8d24578bb5ab203a4b4e955@BN1PR09MB043.namprd09.prod.outlook.com)>, <[5ae82cd2f5144a3c9fc5d94b1a7c836d@BN1PR09MB043.namprd09.prod.outlook.com](mailto:5ae82cd2f5144a3c9fc5d94b1a7c836d@BN1PR09MB043.namprd09.prod.outlook.com)>  
In-Reply-To: <[5ae82cd2f5144a3c9fc5d94b1a7c836d@BN1PR09MB043.namprd09.prod.outlook.com](mailto:5ae82cd2f5144a3c9fc5d94b1a7c836d@BN1PR09MB043.namprd09.prod.outlook.com)>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator: <[9f261082dead4c1399c5aed254d95203@BN1PR09MB009.namprd09.prod.outlook.com](mailto:9f261082dead4c1399c5aed254d95203@BN1PR09MB009.namprd09.prod.outlook.com)>

MIME-Version: 1.0  
X-Originating-IP: [134.67.29.7]  
Return-Path: [desai.sudhir@epa.gov](mailto:desai.sudhir@epa.gov)



**Desai, Sudhir**

---

**From:** Microsoft System Attendant on behalf of R5WD-ConfCallLine-A/Conference-Call-Line/R5-WATER  
**Sent:** Thursday, July 11, 2013 8:03 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call

**Your request was accepted.**

---

Sent by Microsoft Exchange Server 2013



**Desai, Sudhir**

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**From:** Microsoft System Attendant on behalf of R5Metcalfe-ConfRm-R1517/R5-Metcalfe---15th-Floor  
**Sent:** Thursday, July 11, 2013 8:03 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call

**Your request was accepted.**

---

Sent by Microsoft Exchange Server 2013



**Desai, Sudhir**

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**From:** Vantil, Barbara  
**Sent:** Thursday, July 11, 2013 8:04 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call



**Desai, Sudhir**

---

**From:** Ruggles, Kris [Kris.Ruggles@strand.com]  
**Sent:** Thursday, July 11, 2013 8:05 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call





**Desai, Sudhir**

---

**From:** Foster, Scott [scott.foster@epa.state.oh.us]  
**Sent:** Thursday, July 11, 2013 8:24 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call

Thanks!



**Desai, Sudhir**

---

**From:** Desai, Sudhir  
**Sent:** Thursday, July 11, 2013 9:11 AM  
**To:** RDuncan1@falcon1.net  
**Cc:** Desai, Sudhir  
**Subject:** Portsmouth, OH

Hi Rick,

I called you this am to talk to you about Portsmouth ACO related matter. I left the message with Melvin requesting you to call me at 312/886-6704.

I want to know the tentative dates when you will have the Council meetings where the ACO will go through the second and third readings, etc.

Thx.

Sudhir Desai  
312/886-6704



**Desai, Sudhir**

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**From:** David Malone [DMalone@portsmouthoh.org]  
**Sent:** Thursday, July 11, 2013 10:31 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call



**Desai, Sudhir**

---

**From:** DeMonte, Jessica E. [Jessica.DeMonte@squiresanders.com]  
**Sent:** Friday, July 12, 2013 9:01 AM  
**To:** Desai, Sudhir  
**Subject:** Accepted: Portsmouth, OH conference call

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39 offices in 19 countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

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#US

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## Desai, Sudhir

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**From:** rduncan1@falcon1.net  
**Sent:** Friday, July 12, 2013 10:07 AM  
**To:** Desai, Sudhir; Vantil, Barbara; scott.foster@epa.state.oh.us; Jennifer.Witte@epa.state.oh.us; DMalone@portsmouthoh.org; Kris.Ruggles@strand.com  
**Cc:** Prichard, Gary; Jessica.DeMonte@squiresanders.com  
**Subject:** Re: Portsmouth, OH conference call  
**Attachments:** Grandview Downspouts-Press Release 6-13.doc

Discussion Item

Downspout Disconnection

Draft Press Release (attached)

NOTE: I DRAFTED THIS UP AND SENT IT TO THE MAYOR FOR REVIEW, BUT I HAVE NOT RELEASED IT YET.



To: Frank Lewis, Portsmouth Daily Times

Date: June 20, 2013

For additional info call Richard Duncan, City of Portsmouth,  
740-353-0241

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## CITY OF PORTSMOUTH

### Downspout Follow-Up to Begin in the Grandview Avenue Area

Last fall, the City of Portsmouth completed a study of sewers in the Grandview area that discovered that 63 homeowners had downspouts or other connections which allow rainwater to flow directly into a sanitary sewer west of Grandview Avenue and north of 23<sup>rd</sup> Street. The extra rainwater can overwhelm the sewer and can cause basement flooding in the area. Notices were mailed to the residents requiring them to remove these connections.

Wastewater Director Richard Duncan says that he is pleased by the results but more needs to be done.

"At least 20 of the 63 homeowners made the repairs that needed to be made and as a result the excess flow into the sanitary sewer has been reduced by about one-third. We believe that this has already been helpful. Even with the heavy rains we had this spring, we had no complaints of water in anyone's basements on Grandview," Duncan said. "We really appreciate the cooperation of the citizens."

The 2012 sewer study, which was completed by an engineering firm, showed that one inch of rainfall causes approximately 60,000 gallons of rainwater will flow directly into the sanitary sewer. This is 20 times the normal flow rate and can overwhelm the sewer. Twenty-four of the 63 homes identified in the study are located on Grandview Avenue. The rest are on 25<sup>th</sup> and 27<sup>th</sup> Streets, Shawnee Road, Willow Way, Circle Drive, Dorman Drive, and other streets.

In coming weeks, sewer department personnel will be working in the Grandview area to continue the effort. According to Duncan, the next step will be smoke testing. "We have a machine that generates smoke in the sewers. The smoke will show if someone's downspouts are connected. Sewer personnel will be going door-to-door to leave notices that list the time and day that the smoke testing will be done. This will help us identify homes that still need to be disconnected and find any homes that may have been missed in the original study"

"Another important follow-up item is to make sure that homeowners have done the work properly. We want to make sure that no one has diverted their run off in ways that will

cause problems for their neighbors. Our personnel will give advice to homeowners and help out where they can," Duncan said.

Residents with any comments or concerns are encouraged to contact the City Wastewater Department at 740-353-0241.

The Grandview Area Downspout Disconnection program is one part of a comprehensive plan being developed with the US EPA and Ohio EPA to correct sewer problems throughout the City.

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END

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**Desai, Sudhir**

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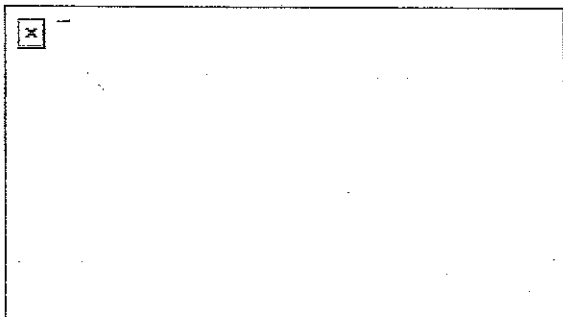
**From:** Steve Canter [scanter@enveng.com]  
**Sent:** Monday, July 15, 2013 9:56 AM  
**To:** Desai, Sudhir  
**Cc:** Vantil, Barbara  
**Subject:** FOI Request

Mr. Desai,

Please provide all correspondence between the City of Portsmouth, US EPA, Ohio EPA and inter-office correspondence pertaining to the Portsmouth, Ohio matter for the period May 7, 2013 – present.

Please send this via electronic means. I am willing to pay the charges which the EPA may require for the copies.

Sincerely,  
Steve Canter



**Stephen Canter, P.E.**  
**3575 Columbia Road**  
**Lebanon, Ohio 45036**  
**(513) 934-1512**  
**(513) 934-1515 (Fax)**

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can

rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

## Desai, Sudhir

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**From:** Vantil, Barbara  
**Sent:** Monday, July 15, 2013 9:58 AM  
**To:** Group R5Foia  
**Cc:** Desai, Sudhir; Jackson, Mery; Moore, Denise; Fields, Tarsha  
**Subject:** FW: FOI Request

Please enter into FOIA database.

Note that I won't be back into the office until July 31<sup>st</sup>, so we can't finish our response until I'm back.

Thanks - Barbara

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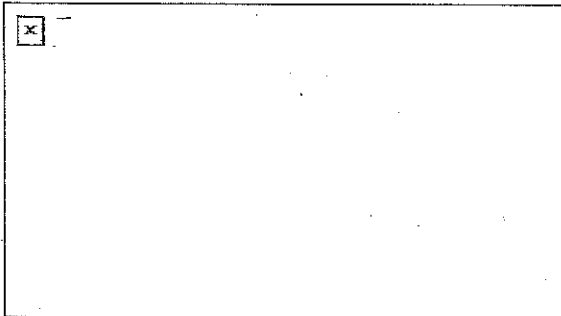
**From:** Steve Canter [<mailto:scanter@enveng.com>]  
**Sent:** Monday, July 15, 2013 9:56 AM  
**To:** Desai, Sudhir  
**Cc:** Vantil, Barbara  
**Subject:** FOI Request

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Sincerely,  
Steve Canter



Stephen Canter, P.E.  
3575 Columbia Road  
Lebanon, Ohio 45036  
(513) 934-1512  
(513) 934-1515 (Fax)

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